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3D SERIES

## SCIENTIFIC STUDIES OF DR. ASA HARR.

By JAMES O. CROSBY.

After the capital was removed from Iowa City to Des Moines, it was a long journey from Clayton county to attend the sessions of the supreme court. In December, 1857, Elijah Odell and I attended the first term of the court held at Des Moines, and our journey by stage took five days, including three all night rides.

Later the general assembly established argument terms to be held at Davenport in April and October, for the presentation of cases from the eastern part of the State, and in 1868 established similar terms at Dubuque. These argument terms were discontinued in 1872, when all cases were transferred to Des Moines. I attended all the Dubuque terms. About the first term Judge Murdock accompanied me and introduced me to Dr. Asa Horr,<sup>1</sup> the eminent physician, surgeon and scientist, at his office. In our conversation the judge stated that he had recently read that at this particular season Saturn was making the finest show of the year with its rings.

In the rear of his office Dr. Horr had built a private astronomical observatory in which was placed a meridional telescope. With a watch, by use of the telegraph, he kept Washington time. By the Nautical Almanac he found the meridian time of the planet, and said if we would arrange with a policeman to wake us at 2.00 a. m. and would go to his house and wake him, we could come with him to the office and interview Saturn with the telescope from the observatory, At 3.00 a. m. we were all on hand, and while Saturn crossed the object lens of the telescope we each had time for a good look

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<sup>1</sup>Dr. Asa Horr was born at Worthington, Franklin County, Ohio, September 2, 1817. He studied medicine and surgery at the town of Baltimore and city of Columbus, Ohio, and spent his professional life at Dubuque, Iowa.

at the planet in a clear sky, with its rings bright and plainly to be seen.

After Saturn passed the range of the telescope, the Nautical Almanac gave the meridional time of other stars at which we gazed till daylight obscured them. Then we left the observatory and in the office took up the microscope and played with it until breakfast time. It was of good size and had six sets of object lenses of different magnifying powers.

One slide he had prepared from fine sand, swept from rocks on the coast of Florida. To the naked eye it seemed like buckwheat flour; magnified, it was a collection of beautiful, conical sea-shells, about a quarter of an inch long, with spines beginning with a light burnt-umber color at the shell and deepening to black at the points.

Another object he had prepared was an itch-mite taken from the person of a patient. An enlarged picture of the animal is an illustration in the Century dictionary.

At another visit Dr. Horr told me something of his early history, and as I, too, had had an early history, I was very much interested, so much so that it is very clearly retained in my memory and I will give it as of his own statement:

At the age of 19 I was working about 20 miles from Columbus, Ohio, learning the carpenter's trade. One day I rode horseback to Columbus to purchase a text book on botany for beginners, as I had a desire to study plant life. I called at a bookstore and made my purpose known to the proprietor, and he laid upon the counter a number of books.

After an examination of them I was unable to make a selection, and I asked the advice of the merchant, who said he couldn't tell, but pointing to a gentleman seated in the room, said that that man could advise me. Turning to the gentleman, he said: "Mr. Sullivant, will you step here? Here is a young man who wishes to purchase a Botany for beginners. Please advise him which to select."

The gentleman came to the counter and asked if I wished it for myself. I answered that I did, and he very soon made a selection. Then he asked if I felt an interest in such matters. If I did he had a collection that he thought would please me, and if I liked he would take me in his buggy, which was standing in front of the store, and show it to me.

I very gladly accepted his kind offer and I found his home and collection of plants large and interesting. The plants in



quantity and variety were larger and finer than I ever had seen, and his explanations and descriptions gave me an increased interest in botany. He took me back to the city and I returned to my carpenter work.

About three weeks after that, Mr. Sullivant sent to me a messenger on horseback, with a letter stating that a party of his friends, ladies and gentlemen, at a time named, were going with him camping on a week's outing for pleasure and research, and extending to me an urgent invitation to join their party, and requesting an answer by the returning messenger. I was a great awkward boy, and knew from my former visit to his home that his company would be of a class with which I had not been accustomed to associate. Bashfulness came over me like a blanket. If he had sent his letter by mail, I could easily have answered it by mail, declining the invitation with thanks; but he had sent a messenger specially to bring it and there could be no mistake. The invitation was not merely formal and he surely desired me to join the party, doubtless for my benefit, and I could not do otherwise than send an answer of acceptance.

At the appointed time, at his home, I joined the company of cultured ladies and gentlemen by whom I was politely and kindly received. Though it may have been imaginary on my part, I thought I detected a slight air of condescension on their part.

After we had been out a couple of days, a discussion arose respecting some action related in the Iliad. The controversy was growing somewhat heated when, to avoid unpleasant feeling, one of the gentlemen proposed to end the discussion by referring the matter to "our young friend" and letting his decision end the matter; to which they agreed unanimously. It so happened that I had just finished reading a translation of the Iliad the week before, and very much to their surprise I promptly related Homer's account of the matter. The imaginary condescension disappeared and their cordial treatment made me forget that I was ever bashful.

One day as Mr. Sullivant<sup>2</sup> and I were alone in a boat on a lily pond, gathering lilies and searching for other water plants, he related to me the incidents that led him to the study of botany. He said: "When a young man, by inheritance, I became the owner of the farm on which my present home is situated. I had no plan of life and was rather inclined to be gay and associate with young men fond of a good time. One day I had four of them at my home for dinner and a little jollification. Looking out of a window that showed the pasture in the landscape, I saw a man walking slowly along, closely watching the ground,

<sup>2</sup>William Starling Sullivant was born near Columbus, Ohio, January 15, 1803, and died there April 30, 1873. He was an American student of nature who became distinguished as a bryologist.

occasionally stooping down as if to pick up something, stopping to examine it and then putting it in a tin case which was suspended by a shoulder strap at his side.

I wondered what the man found of so much interest in the pasture, and said to my company: 'Boys, excuse me for a little while! I see a man down in my pasture and I must go down and see what he's doing there.' So I left them and went to the pasture. I found a man somewhat advanced in years who explained that he was studying the flora of the state, and had already found in my pasture some new plants not yet described, that he would add to the list. I staid with him till near dinner time, asked him to take dinner with me and he consented. I wanted to see more of him, and if he were not accustomed to our style of living, it might be some fun for the boys as his clothing was suited to his work. When seated at the table, his dignified bearing and intelligent conversation kept my other guests as attentive listeners, with no thought of making fun at his expense. I asked his permission to accompany him the rest of the day, and adjourned the frolic with my gay young friends. That afternoon opened a new world to me and led me to become a student of nature."

The week's outing was a delightful one and opened wide to me the book of nature of which I became an earnest student. After I had acquired the profession of medicine and surgery and came to form a plan of life, I resolved to be a faithful student in the line of my profession, and in addition, to study and keep up with the growth of the natural sciences; that if days of leisure came after my professional labors were ended, I would have the love of nature to cheer my declining years.

In 1847 Dr. Horr came to Dubuque and entered upon the practice of medicine and surgery and successfully carried out his plan of life.

He died in his seventy-ninth year at Dubuque, leaving a wife, a son, Edward W., of Blandville, Ky., and a daughter, Mrs. Charles G. Stearns, of Waterloo, Iowa, all of whom are still living.



## IN COMMEMORATION OF HON. RICHARD C. BARRETT.

[On the 12th day of June, 1915, there was installed on the corridor walls of the Historical, Memorial and Art Building of Iowa a portrait medallion in bronze of Richard C. Barrett. The presentation address was delivered by Hon. F. F. Faville, of Storm Lake, Iowa, and Hon. A. M. Deyoe, a successor to Mr. Barrett in the office of State Superintendent of Public Instruction, presiding, delivered an address. In the place of Governor Geo. W. Clarke, chairman of the Board of Trustees of the Historical Department of Iowa, Edgar R. Harlan, curator, accepted the medallion.—EDITOR.]

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### AN APPRECIATION OF RICHARD C. BARRETT.

By F. F. FAVILLE.

The story of the life of Richard C. Barrett is the story of a successful Iowa farm boy who was blessed with ideals. His was the good fortune to be reared amid the simple and rugged surroundings of an Iowa rural community of a half-century ago, having been born in Bremer county in 1858.

This was before the advent of the automobile, the telephone and the rural delivery of mail. It was at a time when life on an Iowa farm had its large measure of isolation and its full round of genuine hard work. The neighboring village was then visited only for purposes of trade or worship and the "county-seat town" was a distant metropolis seen only at "fair time" or on a similarly rare occasion.

The country school was not then regarded as a "social center," and was by no means the modern "consolidated" institution with its course of study and its up-to-date appliances. It was the little one-room white edifice on the section corner, with its heterogeneous collection of pupils and its "curriculum" embracing the entire range from the primer to Ray's Higher Arithmetic.

Mr. Barrett lived at a time when farm boys spent their evenings at home. The family life was developed. Books,

magazines, and games served to while away the long winter evenings and the duties of summer brought a literal exemplification of the motto "early to bed and early to rise." The old-fashioned custom of family prayers had not yet become obsolete.

In such a home, and under such circumstances was Richard C. Barrett reared. The work of the farm did not destroy his ambition and its isolation did not stunt his ideals. He plowed corn none the less well because he recited *Thanatopsis* to the team that he drove. He followed the ceaseless and unending monotony of the daily grind of farm drudgery with its pinching limitations and was not narrowed nor dwarfed. He looked beyond his daily task. He saw art in the changing panorama of the prairie, and he heard a symphony in the sublime "music of the spheres."

Richard Barrett was never the egotist, but he believed in himself. And he determined with himself that he should try himself out. And so he went to school. He was not *sent* to school. He *went*. No wealthy father purchased him membership in some fashionable college club. No fond and fearful parent turned him over to a college faculty with the vain hope that he *might* learn something. No such misfortune befell him. He was privileged to "work his way." Opportunity did not open the door for him with "soft and lily fingers"—but he opened the door himself.

Like most ambitious young men he debated long and seriously as to his life work. The ministry, law and medicine were all attractive to him and he was tempted to follow one of these professions, but with rare good judgment and common sense he decided that he would be a teacher.

Some one has said, "The first essential of a successful teacher is love for the profession." If this be true Mr. Barrett was essentially successful.

What was his ideal? Was teaching with him a mere matter of salary-drawing or making provision for a present need? Long afterwards he thus described "The Teacher's Greatest Ambition":



To help a child to become unselfish, self-reliant, kind, thoughtful, considerate, honest and independent; to train to habits of usefulness; to promote purity of thought and life; to have even some small part in awakening loftier purposes and holier aspirations; to arouse in the minds of boys and girls an honest and sincere hope to be able to some extent to make happier the school, the home, the community, the state, the nation and the world—should be the greatest ambition of every teacher.

With such an ambition Richard C. Barrett began his life work as a teacher. He commenced in a country school of the type he had attended as a small boy. An insignificant beginning it was, but a most valuable asset it became when in after years as State Superintendent of Public Instruction he did so much to establish the consolidated school, which is working such a revolution in the country schools of Iowa today.

After six years in the school room, in which he was very successful, he was called to the office of county superintendent of Mitchell county and held that position for fourteen years and until his election to the state superintendency.

During this time he became widely known in educational circles. He was a lecturer and an instructor at the leading teachers' institutes of the State, a contributor to various educational publications throughout the country, and a prominent member of the National Educational Association. He was recognized as an expert on "the rural school problem." He brought to the office of State Superintendent a splendid equipment and a broad comprehension of the needs of the schools of the State, particularly those of the country districts.

Without any pretense at revolutionizing affairs, but actuated by a sincere desire to help the schools of the State, he gave to the duties of this office his best, most conscientious efforts. When he assumed the office of State Superintendent, Iowa was one of the very few states of the Union without a law requiring the attendance of children at school. He made a most careful study of the question of compulsory education, examined and abstracted the laws of all of the states on the subject, corresponded extensively with educators regarding

the matter, and investigated conditions in states where such laws had been adopted.

He strongly urged the adoption of such a law upon the Twenty-eighth General Assembly. He submitted a model bill for the consideration of the legislators and worked unceasingly to secure the passage of such a statute, and finally the Twenty-ninth General Assembly passed the law practically as suggested by him. The credit for the enactment of this very important legislation was due in no small degree to his efforts, and it will always be associated with his work as State Superintendent.

Richard Barrett was one school man who was not given to fads nor hobbies, but nevertheless one thing was uppermost in his work, and that was the improvement of the country schools. He knew their every need. He had learned their requirements at first hand. He saw that the inefficiency of the isolated country school could be largely eliminated by reducing the number of schools, and by transporting the pupils to one central school which should be graded and which should have better-equipped teachers.

The proposed change became known as the "Consolidation" movement. It necessarily met with intense opposition, an opposition that has by no means yet entirely disappeared. The question of expense was, and still is, the paramount one with many school patrons. The idea of disposing of existing school houses, incurring the expense of a new modern building, buying conveyances and paying to have the children transported to and from school, and the employing of experienced and trained teachers at better wages, was so revolutionary, that it was viewed as an invasion of the inalienable rights of the rural taxpayer.

Mr. Barrett firmly believed that the plan would work out successfully. He gave much study to all the arguments advanced against the proposition, set them forth frankly and at length in his official reports and discussed them with perfect candor and convincing logic. In 1903 he said:

It was a great day in the history of Iowa when it was declared that the State should have a free public school system. It



will be a greater one when, in the course of time, it is ordered that all children shall have equal school privileges—that the child in the remotest district—the child of the humblest poor, in the backwoods and on the prairie,—shall have educational advantages unexcelled in the best school in the largest and best city in the land.

With this in his mind and on his heart he worked unceasingly to bring about the great result, not only by legislation that would make it possible, but by endeavoring to educate the public to understand the real merits of the proposition. He was greatly interested in the first practical experiment that was tried in the State. He personally visited this school and studied at first hand the objections that had been urged of increase of taxes, impracticability of transporting children and similar matters.

He was thoroughly convinced that the "Consolidated School" would eventually be the solution of the "rural school problem." How wonderfully is his prophecy being fulfilled in the many such schools that have been and are being rapidly established all over the State. I think his untiring labors for the betterment of the rural schools of Iowa, the most important single service that he rendered the commonwealth.

Mr. Barrett was a believer in "higher education." He took commendable pride in the Master of Arts degree which Cornell College conferred upon him. But he was essentially a believer in things practical, especially in education. He once said:

The schoolmaster who attempts to teach art, music, painting, French, stenography, pharmacy, etc., to a boy who cannot spell the common words in daily use, write a legible hand, keep the simplest accounts, compose a letter, recite the principal events of American history, and explain the elementary principles of science, will soon lose caste with the business world.

In 1903 he said to the General Assembly in the official report, regarding the teaching of agriculture in the public schools:

There has been considerable discussion of the teaching of the elements of agriculture in rural schools and more recently the introduction of the study in high schools has been proposed. If into the school life there should be introduced the subjects with which pupils are to deal in life, no mistake is being made by

those who urge the value of the practical. If it can be urged that agricultural subjects should be introduced into schools in cities where only a small part of the patrons are engaged in agriculture or gardening, it can be more strongly urged for rural schools where agriculture is the chief business of all the people. Each succeeding year high schools teach more of the practical, and as laboratories multiply and professionally trained teachers increase, there is likely to be still less of theory and more instruction in how to do the work of the world.

He did not live to see the enactment of our present statute requiring that agriculture and domestic science must be taught in the schools of the State, but he paved the way for that legislation and aided its oncoming in no small degree.

During his administration of the office of State Superintendent great progress was made in manual training in the public schools. Mr. Barrett aided greatly in this work. He issued an extensive outline on the subject, particularly to aid teachers in learning where and how to equip themselves to give manual training.

He also especially urged that the teachers of the State should have better opportunities for training in their profession. He believed that Iowa should supplement her great Teachers' College with others of like character, where more teachers could receive adequate and scientific training for their important work, and he unhesitatingly advocated the paying of better wages to the teachers of the State.

His work in the office of State Superintendent covered six very important years in the history of education in Iowa. At all times industrious, patient and tactful, keeping constantly in mind the greater good, and working ever for the betterment of conditions, he contributed largely toward furthering those things that hasten the coming of a better day.

After his retirement from the office of State Superintendent he completed a course in law and received the degree of LL.B. but he made no attempt to practice law as a profession, and almost immediately accepted a position on the faculty of the State College of Agriculture and Mechanic Arts at Ames, occupying the chair of Civics. This place was particularly pleasing to him, not only because it brought him in



connection with the work of this great school in which he was deeply interested, but more particularly because it gave him an opportunity to get in close touch with a multitude of young men and women who were seeking an education.

I am confident that no position in which he was ever placed brought as much real satisfaction to Mr. Barrett as to be on the committee on classification of students at Ames. No man could have been better adapted for this position than he. He delighted to meet the boys, especially, who had come from farm homes to enter the great school, and who needed just then a little sympathy and good advice. No austere official confronted them in the person of Mr. Barrett. He was their friend. He knew exactly their difficulties and their ambitions. With a genuine and sincere sympathy he became their confidant and their counsellor. And what joy he found in this service!

In all the thousands of teachers and students that came in contact with Mr. Barrett none ever applied to him for sympathy or assistance and applied in vain. He never had such urgent business that he could not find time to hear of the troubles of some inexperienced teacher or to listen to a recital of the difficulties of some farm boy who needed encouragement and help. How many such lives has he touched in this State and always with kindly sympathy! He was never the misanthrope. He was always an ambassador of helpfulness and good cheer.

In the midst of his activities at the College, in the very prime of life, he was suddenly stricken with an infection of the mastoid and died March 3, 1909.

Thus lived and died this kindly, helpful, hopeful man. I can pronounce no greater encomium upon him than to say he was a Christian gentleman in the full and true meaning of that term. He was from early childhood a member of the Methodist Episcopal Church. His interest in young people and his desire to help them caused him to render years of service in the Sunday School, as superintendent and teacher. He made no spectacular parade of his religion. There was no ostentation about it. It was an abiding and essential part of

his daily life. Some people profess their religion. Richard C. Barrett lived his. He neither boasted of his faith nor apologized for it, but no man who knew him at all intimately ever had any doubt of his religious convictions, whether he ever heard him mention the subject or not. Clean, upright, pure-minded, conscientious, he was a splendid example of that type of Christian citizen whose "daily walk and conversation" "make for righteousness."

Emerson said, "The only way to have a friend is to be one." If the Sage of Concord was right Richard Barrett's friends were truly "numbered by his acquaintances." At his death it was said of him that "he was loved by more people than any other man in Iowa." No man ever had a more loyal friend than he was. He was not "one thing to the face and another to the back" of any friend. He was always dependable. I once heard a friend praise him with the homely expression, "he will stand without hitching."

Mr. Barrett had no ambition to acquire wealth. Amid the struggles of this money-making era he caught the larger vision and found his compensation in giving rather than in getting. To touch young life, to inspire to better efforts and nobler things, in a word, to be of service was more of joy to him than the accumulation of money. He was content to

Sit in the house by the side of the road  
And be a friend to man.

He was a great lover of books and of travel, but he found his greatest pleasure in his own home and in the society of those he loved best.

While teaching at Riceville, Iowa, Mr. Barrett married Janet Dean, who was also a school teacher. Their home life was ideal. No task was undertaken, no plan formulated, no success achieved, no disappointment suffered, that was not shared equally by them. Saddened by the loss of one daughter in infancy, they were also blessed with one whose beautiful life has been a constant comfort and joy.

His dust rests in the little cemetery at the Iowa State College, beneath the graceful elms and rugged oaks of his native State.



It is most fitting that on the walls of the Historical Building should be placed a medallion to perpetuate the memory of this good and true man and useful citizen.

With becoming modesty, Mr. Barrett, in concluding his last report as State Superintendent, said:

If the discouraged teacher has been encouraged, if the heavy-hearted has been made to rejoice, if the weak has been strengthened, if the pathway of life has been made to appear smooth, the skies brighter and the days happier by anything I may have said or done, the inspiration for the word or deed came from the encouraging words of helpfulness spoken by teachers.

And he gave this characteristic message to the teachers of the State:

To you who have been my co-laborers and have given your strength to promote the true cause of education, I am debtor beyond ability to repay or words to express. I could not if I would, have you freed from the burdens of the schoolroom, but were the power mine I would give to each of you added strength to bear all of the trials and to overcome all of the difficulties. I would have you remember that while such power is not mine, the Great Teacher has said, "I am with you alway, even unto the end of the world" and from Him you can have help.

He needs no greater eulogium.

In the very prime of life, without a murmur of complaint, with a firm and abiding faith, Richard C. Barrett turned the prow of his frail bark out from the shores of Time, upon the trackless sea "that has never borne the shadow of a returning sail."

Let us be assured that his voyage was in peace, his anchorage in the Harbor of Eternal Joy.

THE DIGNITY OF THE STATE SUPERINTENDENCY IN THE  
STATE'S DEVELOPMENT.

BY ALBERT M. DEYOE.

We live in a great State, rich in promise for the future. Bounded on two sides by two of the largest rivers of our continent, with a soil whose fertility wearies not in yielding abundant harvests, and with continental systems of railways to bear our products to the markets of the world. But Providence gave to Iowa a choicer blessing than river or soil or railroad. From the states located to the eastward came the best men and women to settle our State. The privilege is ours to prove true to our vantage ground, not only to perpetuate their heroic vigor, but to build for larger and better things. Iowa holds the creditable and enviable position of having the lowest percentage of illiteracy of any state in the Union. The laurel was hers by inheritance as she entered statehood; it is a legacy for succeeding generations to merit as a distinction of priceless value. Fortunate, indeed, are we because of the character of the pioneers who settled here, in the quality of the immigrants who have come to us, and in the physical and occupational conditions in our State. The continuation of comparatively so high a standard of thrift and intelligence among our people will depend first and foremost upon the policy and efficiency of our system of education. Unless the individual is well trained for some occupation in life he is lacking in an essential element in the making of the best class of citizenship, viz., the ability to become self-supporting and capable of supporting those dependent upon him.

But education for efficiency must not take into account merely the utilitarian idea. It must be inspired with idealistic, æsthetic, philanthropic, and spiritual incentives, without which life will not rise to its highest level. The purpose or the function of education appeals to us in this great commonwealth to put within reach of *all* the children the most generous means for development into *useful* manhood and woman-



hood. Young men and young women endowed with the ability and the disposition for work need none of our solicitude concerning the welfare of the State. The world owes no man a living, but every man owes it to the world to make a living for himself and those dependent upon him. When we can bring together, embodied in the same individual, right thinking and right doing, sound theory and successful practice, we shall have the well-educated man and the ideal citizen.

Better schools should mean better citizenship. Our boys and girls should not only be *prepared* to do something well but they should be *desirous* of doing something well. The disposition to do something well represents the moral side of education. Not only the boy who comes from the slums, but the boy who turns the automobile crank is to be dealt with in the training for citizenship. The question of training the boy raised in luxury is just as difficult a problem of solution as the training of the boy raised in poverty. It is just as injurious and unbecoming for a youth to puff out his vitality through a cigarette or a pipe-stem on the college campus as it is in the back alley. Not money, not social caste, not fame, not even scholarship will make men and women worthy of reward. Let us not forget that sympathy for others, purity of living, honesty, industry, reverence, obedience, and respect for law are among the determining forces that will count most in estimating the worth of a life.

The development of the State industrially, and the hope of its citizenship intellectually and spiritually, depends upon the training of the child. This then represents the responsibility, the dignity of the work of those to whom have been committed the task of shaping the educational policies of the State.

There was a propriety in the selection of the Hon. James Harlan to lay the corner-stone of the beautifully designed Historical, Memorial and Art Building, perhaps not thought of at the time. Many years before the ceremonies connected with the first steps taken toward the erection of the building, James Harlan had been chosen as the first State Superintendent of Schools after the admission of Iowa into the Union in 1846. To this man—one of Iowa's greatest noblemen—was entrusted the duty of laying the corner-stone of our State's great educa-

tional system, maintained today at the enormous annual expense of over seventeen million dollars. The amount expended is a large sum. But what of it, when we estimate that nearly two and one-eighth times as much money is expended annually in the nation for intoxicating liquors and tobacco as for the public schools, and almost one and one-half times as much as for education of all kinds. Educational advantages of a generation ago can not best meet the needs of today, much less the needs of generations to come.

It would be interesting to speak of the development of our State's educational system under the administration of each of the successors to Mr. Harlan, on down through those of Thomas H. Benton, Maturin L. Fisher, Oran Faville, Alonzo Abernethy, and others, but time permits mention only of the one in whose memory we are assembled on this occasion.

Richard C. Barrett lived but half a century. His was a life of wonderful activity and usefulness. In studying the lives of successful men, we are constantly being impressed with the thought that they make the most of their opportunities. They do not wait for a good chance to succeed; they take advantage of such chances as they can get, and make them good.

Mr. Barrett excelled as an instructor and as a school administrator. A teacher of teachers—he never ceased to be a student. He was not satisfied with a superficial knowledge of the subject he attempted to teach. He drank deep from the fountain of information. Some years ago it was my privilege to be a co-worker with Mr. Barrett in a teachers' normal institute in one of the counties in the State. In discussing a disputed question in physiology, Mr. Barrett quoted Gray's Anatomy as his authority. He had consulted the best text; one used by students in surgery and medicine. His study of the principles of education was thorough and exhaustive.

It was his will to work, his purity of living, his Christian fortitude, and his love for humanity that made Superintendent Barrett beloved by all who became acquainted with him. He knew no such thing as failure. He had faith that the mission of the teacher was one of the greatest callings in the world. No wonder that his presence among a body of teachers was an inspiration to them.



It was through State Superintendent Barrett's efforts that the compulsory attendance law and the law providing for the founding of school libraries were passed by the legislature. Both laws are of special importance and far-reaching in their influence.

Regular and continued effort in school is essential in the education of the child.

It is well that the State through the school attempts to encourage the study of the pure and life-ennobling in literature by children. A squad of boys arrived in one of the small towns in Iowa recently bent on an adventurous deed of some sort. They engaged in a contest among themselves as to who should be chosen leader of the "gang." They settled upon the plan of "fighting it out" among themselves and in this manner decide who should be made captain. It was found upon inquiry that the reading of bad books prompted these boys to leave home to begin lives of crime. To teach the children how to read without providing them with proper reading material, may prove a dangerous experiment if we apply the test that the kind of literature read by the boy or the girl has a strong influence in shaping his ambition for future activity. More important than the ability to read well is the use made of that ability in contributing to the destiny of the child. In other words, it is more important what a child reads than how well he reads. There are but few schools in Iowa today without a library of at least a few well-selected books.

From Superintendent Barrett's reports I quote the following as exemplifying his ideals in education:

The great need in Iowa is not more schools, but better schools; not more teachers, but better teachers; not a school that fits for teaching, for business, for college, but one that aids students in the preparation for life and its manifold duties. That from right education, the youth may be happier, the home more sacred, the citizen nobler and truer, and the nation stronger.

Truly, Superintendent Barrett dignified the office to which he had been chosen.

## GREAT STATES THE CREATURES OF GREAT MEN.

BY EDGAR R. HARLAN.

Great states are largely the mere creatures of great men. Although nature did her portion of the building of our commonwealth and had removed most of her waste materials before the coming of white men, and although she put into our physical foundations most all essential minerals, into our soils and atmosphere enough desirable elements from which to make a state, there yet remained the handiwork of men for its completion.

Still it was not the mere assembling here of men and women, not the coming merely of those in ample numbers to occupy the lands, produce and then consume its fruits, or multiply and replenish the earth. There yet was to have been gathered beneath the Iowa skies those who might divine the needs, the possibilities of institutions; those who through almost matchless courage, tireless labor and prophetic vision so wrought out the social fabric as to almost vie in finished social form with the natural Iowa masterpiece of the Creator. They who in our earliest statehood welded the southern with the northern streams of thought into one Iowa impulse indeed were master builders. They who thereafter brought and built in the finest materials from the realms of Holland, Great Britain, France, Germany, Denmark, Sweden and Norway, by so strengthening our social structure also were master craftsmen. They who led almost as one man these various step-sons with the native of our State through the shambles of the south, and they who neither wrote our laws and constitutions, amalgamated our various stocks, nor led our hosts to battle, but placed the tracery of culture upon our social walls, also were masters, were leaders in their day.

The life of none of our statesmen, nor soldiers, nor civic leaders but should be noted by this State. No lesson nor example of which we are and those after us shall be the beneficiaries should be forgotten.

It is to note these lives, these lessons; to symbolize in bronze and marble, and thus in language read of all men for all time, upon the classic and imperishable walls of this memorial hall the workers in this institution are commanded by our State to bend all effort.

One life and character that welled forth beyond the confines of the individual, that became discernibly a public benefaction, has been well and most beautifully delineated by other speakers here, and it is both a duty, and delight for me, in place of a member of our Board of Trustees, on behalf of the State to accept and to install this sculptured semblance in the name and to the honor of Richard C. Barrett.

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OPINIONS OF HON. SMITH McPHERSON, DISTRICT  
JUDGE, IN THE CASE OF THE UNITED STATES  
vs. DAVID S. MORRISON.

BY A. J. SMALL.

[From the vast accumulation of materials of the late Hon. John F. Lacey of Oskaloosa, first a lawyer, but also a soldier, and a congressman, was selected almost at random a manuscript illustrative of the type of litigation in which Major Lacey reveled. The manuscript consists of two opinions in a case decided by Hon. Smith McPherson, Judge of the United States District Court, for the Southern District of Iowa, one a holding upon a demurrer and the other upon the trial of facts wherein the jury was waived.—EDITOR.]

OPINION.

November 22, 1900, on an ex parte application, the court granted leave to the United States attorney to file an information against the defendant, accusing him of a violation of the laws prohibiting the giving of aid to the bringing of aliens to this country under contract. The information filed is in two counts. The first count, in substance charges that defendant, a resident of Grinnell, Iowa, did in June, 1900, aid in bringing from Prague, Austria, one Adolph Zuza, a cutter of ladies kid gloves, who was then a native, resident, and citizen of Prague, Austria, and then a subject of the emperor of Austria. Zuza was not a singer, lecturer, minister of the Gospel, actor, artist, professor of a college, and not a member of defendant's family or his secretary. He was a cutter of ladies' kid gloves,



and had no other occupation or profession, and did not, and was not to, sustain any other relation in this country, either to the defendant or any other person, than as such cutter for defendant.

The information also charges that, while Zuza was still in Austria, he and defendant entered into an agreement by which Zuza was to perform labor in this country, and under which agreement he came to the United States with money furnished him by defendant for his transportation; that the agreement preceded furnishing the aid, and preceded Zuza's coming to America pursuant to the agreement; that Zuza did come from Austria to the United States under said agreement, and after having received the aid in transportation from defendant, to perform in the United States the services and labor of cutting ladies' kid gloves.

And the information then charges:

"And the said Adolph Zuza was not \* \* \* then and there a skilled workman under any contract and agreement to perform labor and services in the United States in or upon any industry not then established in the United States, and not established in the United States February 26, A. D. 1885."

The second count of the information is in the same language as the first, excepting as to the name of the other person of Austria to whom aid was furnished, and who came to the United States. The information was duly verified by the United States attorney. A warrant for defendant's arrest was issued, and he has demurred to the information. There is no claim but that the information is in due form, and that it has all allegations and recitals necessary to constitute a crime, if a person who is a ladies' kid glove cutter is such a person as is prohibited from being brought to this country under agreement and with aid furnished him to enable him to come.

The grounds of the demurrer are that a ladies' kid glove cutter is an expert mechanic; that he is not a person engaged in common or ordinary manual labor; that the business requires skill; that February 26, 1885, the business of making ladies' kid gloves was not an established industry in the United States; that the trade of a ladies' kid glove cutter

requires skill and intelligence, and is an art or profession known to but very few persons in the world. On demurrer the court will consider only such matters as are alleged and of which judicial notice is taken.

The acts of congress under which the information has been filed are highly penal, and as a criminal statute, are to be strictly construed. In this country no person is ever subjected to fine or imprisonment because of the common law, but only when there is a plain statute clearly condemning the acts complained of as being a crime.

It is conceded by counsel for both the Government and the defendant that this Government has the power to regulate or prohibit immigration of foreigners. Generally the policy has been to encourage it. This went on for many years, until quite a per cent of our best citizens were people of foreign birth. But selfish men took advantage of the opportunities offered to laboring men, and it is said that as far back as 1859 alien iron moulders were brought over to take the place of workmen then on strike in Troy, in the state of New York. After the Civil War the Pacific Coast states were overrun by the Chinese, until the traffic in coolies became a scandal, and almost or quite destroyed the opportunities of our own people on the Pacific Coast for getting work at remunerative prices.

The evil so grew that it became necessary for Congress to enact the most stringent legislation against Chinese immigration; and Congress did enact such legislation against the Chinese, partly because that people would not assimilate with our people, partly because they only intended to remain in America a short time, partly because of their immoralities, but largely because from their methods of living they could underbid American workmen. The Pacific Coast condition after a short time became largely the condition of Eastern states, and particularly in those states having coal and large manufacturing interests and lumber interests.

The records show that about the year 1883 bills were introduced in large number in both the Senate and the House to correct the evil. In December, 1883, for the first time, the

House of Representatives provided for a committee of labor to which all bills upon the subject were referred.

The question of immigration of laborers became one of great public concern. Political parties took up the question, and it became one of general public discussion. The labor committee of the House and the appropriate committee of the Senate, took much evidence and made elaborate reports strongly urging legislation.

From these matters, which are now general history, as well as that which is in the recollection of all, it is known several evils existed, which Congress undertook to correct; and existing evils are always considered as having great and convincing force in the construction of a statute.

The labor organizations of the country appealed to the political parties and to legislatures and to Congress for help, by way of correction of the evils. They furnished the proof, if proofs were needed, that when a strike in this country occurred, or one was threatened or impending, or when labor was in great demand, the large concerns, with much capital behind them, sent agents to Europe, and sometimes to Asia, for laborers to take the place of workmen. They were brought over under contract. Many of them lived while here, but little, if any, better than animals. They lived together in large numbers in small rooms. Many lived together regardless of sex, and often regardless of the marriage relation. They lived on nearly nothing, and that nearly nothing was often food of the most disgusting kind; and so living, they only asked and only received wages on which an American could not live. They gave their children no education. They never intended to make this country their home, and yet tens of thousands of them went through the form of being naturalized. They debased and prostituted the right of suffrage.

All these things appear in most graphic language in the reports of committees to Congress,—one by Senator Blair to the Senate, June 28, 1884, and one by Mr. Faron, of Ohio, to the House, February 23, 1884. On these reports the act of February 26, 1885, was enacted by Congress, supplemented later by other laws. Under these statutes the defendant is now prosecuted.



But immigration was not prohibited. Immigration under contract was not prohibited. But certain kinds of immigration were prohibited, and immigration of certain kinds under contract was prohibited. And the question is whether the immigration of the two ladies' kid glove cutters who were brought over under contract with defendant are prohibited. Before discussing this question, as the question of the case, I think another matter one of importance.

It is a matter of general knowledge that, during all the times the foregoing matters were under discussion before the country and before congress, a question which was ever being asked was, why enact protective tariff laws, to protect American laborers against the paupers of foreign countries, and yet allow the pauper laborers of foreign countries to be brought here to labor? The difference was that, with the foreign pauper here, the little he ate and the little he wore was furnished him by our own producers and manufacturers; but the fact remained that in either case the foreign pauper was in direct competition with the American laborer. But there was this other difference: Generally the pauper laborer who remained was a skilled workman, while the one who came or was brought to this country under contract was unskilled. Generally he was the common, cheap, ignorant, and unskilled workman.

But the truth is that the protective tariff laws and the laws against importing an alien laborer are upon the same subject and have the same purpose in view, which is that of protecting the laboring man of our country from the competition of the laboring man of foreign lands. And the subject of "kid gloves," as it is found in the schedules of the last four tariff laws of the United States, will show the ever-increasing concern of congress to not simply raise a revenue, but to bring about the manufacture of such gloves in this country.

The practical effect of all this, and especially the result of the tariff act of 1897, is of great interest. But so far as this case is concerned, the difficulty is, not to get information, but to get information of which a court will take judicial notice. I have much information from merchants and those manufac-

turing other gloves. I have read much from the Glovers' Journal. I have correspondence with men who claim to have, and no doubt do have, knowledge of the subject. But, on demurrer to specific allegations of fact to the contrary in the information, can I, and am I allowed to, use such facts, and on such facts thus acquired, determine the demurrer? Am I not confined to the record, supplemented only by such facts as courts can judicially notice? And can a court judicially notice those things not in the laws, nor in the official records, nor facts of history and generally known?

I have made the most diligent and tireless search in the reports of the departments for data and facts germane to the imports of ladies' kid gloves, and the manufacture thereof in this country, and received practically no information. It is plain to me that the tariff laws, and especially the one now in force, had for one of its objects either the creation of the industry, if not already established, or its maintenance, if already established. And this, perhaps, is the one question in this case: Is the manufacture of ladies' kid gloves an established business in the United States? If established, when was it established?

I cannot resort to evidence in passing upon a demurrer, and yet information in the nature of evidence is all I have. I know, and perhaps it is of general knowledge, that there are some ladies' kid gloves manufactured in this country. But it is claimed that such gloves have not been so manufactured until since the passage of the tariff act of 1897, and then not to the extent of making it an established industry. But as yet they are manufactured in limited quantities, and in but three or four places in the United States, and possibly at but the one place west of the Mississippi river, and that at Grinnell, Iowa, by defendant.

The exact facts as to these matters I do not know. But if the foregoing is substantially a correct statement of the facts, then I take it no one would claim that defendant is guilty of the crime charged, because the statute provides:

"Nor shall this act be so construed as to prevent any person or persons, partnership, or corporation from engaging under contract or agreement, skilled workmen in for-

eign countries to perform labor in the United States in or upon any new industry not at present established in the United States”.

It will be kept in mind that this statute was approved February 26, 1885. It will be kept in mind also, that the statute recites “not at present established”, Do the words “at present established” mean the date the act was approved by the President, or the date of the acts complained of in the accusation against defendant? Counsel have not argued this point, and I am not prepared to decide it. The United States Attorney, in preparing the information, charges it both ways. He says that both February 26, 1885, and in 1900, when defendant did the things complained of, the manufacture of ladies’ kid gloves was established in the United States.

Such is his information, or that of the officer directing him to present the charge. But such is neither my information nor belief. But he makes it an allegation of fact, and most specifically charges it as truth, and they are facts concerning which the court cannot take judicial notice. Evidence to sustain the allegations of the United States attorney must be furnished, and a jury will determine the facts. But, as the case will be tried, it will be as well to present the rulings of the courts, and of the Departments.

The case of *Holy Trinity Church vs. United States*, 143 U. S. 457, was one arising under the statute invoked in the case at bar. The person brought to this country under contract was a minister of the gospel. The statute as it then stood did not except a minister. But Justice Brewer, in speaking for the entire court, urges two propositions worthy of being kept in mind, not only because it is the duty of this court to observe the holdings of that court, but because his arguments are so pertinent to the case now under consideration. Among other things he says:

“Another guide to the meaning of a statute is found in the evil which it is designed to remedy; and for this the court properly looks at contemporaneous events,—the situation as it existed, and as it was pressed upon the attention of the legislative body”.



He then quotes with approval the opinion of Justice Brown when, as district judge, he decided the case of the *United States vs. Craig*, 28 Federal Reporter 795, who presented the historical facts preceding and attending the passage of this statute, and he sets out much of the House report which clearly shows the evil struck at and the only evil; and this report so often referred to, in my judgment contains the key to the meaning of the statute, wherein it recites:

“It (the bill) seeks to restrain and prohibit the immigration or importation of laborers who would have never seen our shores but for the inducements and allurements of men *whose only object is to obtain labor at the lowest possible rate, regardless of the evil consequences,*” etc.

I have underscored certain words. Another thing Justice Brewer presses in his opinion is that statutes should be so construed as not by intendment to hold one guilty of a crime, but give the statute, not a literal, but a sensible, construction, and such a construction as will reach the evils complained of when the statute was enacted.

In case of *United States vs. Laws*, 163 U. S. 258, the person brought over under contract was a chemist for a sugar plantation. A sugar plantation was certainly an old, established industry, and chemists in this country are numbered by the thousands; and the supreme court held that the statute had not been violated. Justice Peckham, in writing the opinion, among other things, said:

“The fact that the individual in question by his contract had agreed to sell his time, labor and skill to one employer and in one prescribed branch of science does not in the least militate against his being a professional chemist, nor does it operate as a bar to the claim that while so employed he is nevertheless practicing a recognized profession. It is not necessary that he should offer his services to the public at large, nor that he should hold himself ready to apply his scientific knowledge and skill to the business of all persons who applied for them, before he would be entitled to claim that he belonged to and was actually practicing a recognized profession. As well might it be said

that the lawyer who enters into the service of a corporation and limits his practice to cases in which the corporation is interested thereby ceases to belong to the profession. The chemist may confine his services to one employer so long as the services which he performs are of a professional nature. It is not the fact that the chemist keeps his services open for employment by the public generally which is the criterion by which to determine whether or not he still belongs to or is practicing a recognized profession. So long as he is engaged in the practical application of his knowledge of the science, as a vocation, it is not important whether he holds himself out as ready to make that application in behalf of all persons who desire it, or that he contracts to do it for some particular employer and at some named place. We have no doubt that the individual named comes within one of the exceptions named in the statute''.

This question was elaborately discussed by the circuit court of appeals, for the Sixth circuit in the case of *United States vs. Gay*, 95 Federal Reporter 226. In that case the person brought over was "a draper, window dresser and dry goods clerk," who was to receive about \$2.00 per day for his work. In that case the holding was that the statute only prohibited the bringing of cheap, common and unskilled laborers. I do not so believe. Glass blowers, iron moulders, locomotive engineers, telegraphers, and men of many other vocations are neither cheap, common, nor unskilled; but they have been so long recognized as workmen in established industries, and are in America numbered by the hundreds of thousands, that I believe it would be an unlawful act to bring a man of such a vocation to this country under contract. Just what is required of a window dresser I do not know, and I neither approve or disapprove of what the court actually decided. But I do not agree with much of the argument of the opinion.

The statute in question is enforced under general regulations of the Secretary of the Treasury. November 26, 1900, the commissioner general of immigration, Hon. T. V. Powderly, filed an opinion touching the right to land in this country of certain lace makers. The fact need only

be stated that, as the reports show, Mr. Powderly perhaps had more to do with bringing about this legislation than any other man or number of men. For years he has been aggressive, earnest and tireless in seeking protection to American laborers; but he held that lace making was a new industry in this country, and yet I suspect that lace has been made by ladies from since the time the needle and thread were first used.

But that did not seem to be the test with Mr. Powderly, and without doubt he was right. It is fair to say that the opinion was in part because of the fact that thread was imported with which to make the lace, and the persons were also thread makers. But his opinion was not alone grounded upon that fact. This opinion was approved by Secretary Gage.

Such, briefly stated, have been the holdings of the courts and of the departments having the matter in charge. But the United States attorney charges in the information, and charges it most specifically, that February 26, 1885, as well as in the year 1890, the manufacture of ladies' kid gloves was an established industry in the United States. This allegation calls for proof, and the Government must furnish it. And it follows that the demurrer must be overruled because of the allegations in the information. I have a belief touching them; but it may be that the Government will furnish evidence, of which I know nothing. At all events I cannot judicially notice the **facts**, and the material facts **are practically all in dispute.**

What are the duties of a ladies' kid glove cutter? Is it skilled labor? Can it readily be procured in this country? Is it an occupation, or profession? Is it an established business in this country? If so, when was it established?

Some of these questions, possibly all, are involved. So I will submit the case to a jury to find the facts. We will then know the services of a ladies' kid glove cutter.

We will then know whether he is a common, unskilled and cheap laborer. We will then know whether he must sort, and prepare the skins, from which the gloves are made. We will learn whether ladies' kid glove cutters can be ob-



tained in this country. We will learn whether any one working at glove making can cut ladies' kid gloves, and whether it is done only from a pattern furnished. We will learn how extensively ladies' kid gloves were manufactured in the United States February 26, 1885, and how extensively they were manufactured in 1900. We will learn when, if at all, the manufacture of ladies' kid gloves became an established industry in this country. All this is for the Government to show. We will ascertain whether it is true that there are but few such cutters in the United States, and possibly but the one, or but few at most, of such manufactories west of the Mississippi river, and but few in the country.

And it is claimed by defendant's counsel that for every cutter a number of persons residents in this country are employed to make the gloves, and if the cutters are deported, that such makers are thrown out of employment. We will learn as to the truth of this, and the statute will be construed so as to give aid to American laborers, and not such construction as to throw them out of employment.

The Government having alleged to the contrary, as against all of defendant's claims, and they being matters of which the court cannot take judicial notice, issues of fact are raised, and the Government will be required to furnish the evidence to sustain its allegations; and on the evidence for and against the law can be applied without difficulty.

Des Moines, Iowa, May 14, 1901.

#### OPINION.

This case has been tried to the court, the defendant having filed a writing signed by him waiving a jury.

On demurrer to the information, I filed a written opinion, which is published in the Federal Reporter in Vol. 109, page 891.

I adhere to the views then expressed. I conclude that defendant should be discharged for three reasons:

1. The two Austrians named in the information, are ladies' fine kid glove cutters. They borrowed the money from a gentleman then in Austria, and who had been there

for quite a time. That man was the agent of defendant Morrison, in purchasing kid skins and shipping them to Mr. Morrison. But there is no evidence that he was the agent of Mr. Morrison, in procuring kid glove cutters. The two glove cutters came to Chicago, where one had a sister living. After remaining there about a week, one of them made arrangements by telegram for both to go to Grinnell, Iowa, where defendant resides and work for him. Defendant advanced the railroad fares from Chicago to Grinnell. That was refunded by retaining it from their wages. No other contract than that appears from the evidence. And no other money was taken from their wages. And neither the United States attorney nor the inspector claims that to be in violation of law. Some admission was made by defendant to the inspector, but by inference only can that be construed into a confession of guilt. And if it could, it only need be stated, that a confession never establishes guilt. The crime must be established by other evidence. When the crime is established by independent evidence, then the confession would be competent and sufficient to connect defendant therewith. But in this case the crime is not established.

Both of the Austrians were present and testified on behalf of the Government. Each of them denied that he came to this country under contract. So under any view of the law, and under any view of what the evidence shows, as to the art or science of making ladies' fine kid gloves, the guilt of defendant does not appear.

2. Much of the evidence, and the arguments of counsel were directed by the way ladies' kid gloves are made and by the kind of persons making them, and to the extent the industry is now, and was heretofore established. A fair estimate is, that more than ninety per cent of all ladies' and gentlemen's kid gloves made in the United States are made in and around two towns in North Eastern New York state, named Johnstown and Gloversville, and I am not certain but that the per cent is more nearly ninety-nine per cent. And the increase of the manufacture at those two towns has been very marked since the enactment of the present tariff law by Congress called the "Dingley Law". But even now,

from the best estimates of the witnesses, and the information obtained from the records and reports of the Treasury Department, shows that less than twenty per cent of such gloves worn in this country are made in the United States. More than eighty per cent are imported, and are the fruits of European labor. And on such a statement, which from the evidence cannot be doubted, how can it be said, that the manufacture of fine kid gloves is now, or was, when these two Austrians came over in June, 1900, an established industry? Perhaps the best informed witness who testified upon the subject was the secretary of the organization of glove makers. For several years he has been in Johnstown and Gloversville. He impressed me as being candid. He has had much to do with bringing about this prosecution. But he could only locate a very few, and very small establishments outside of the two New York towns above named. And the few he mentioned are insignificant because of the small volume of work done. It is a very narrow view to take, because kid gloves are made in two small towns in New York, that thereby the business is an established industry in this country. I know of no reason for holding that two small towns in one state shall be allowed to dominate the business, and by closely bound organizations, freeze out all similar industries in all other parts of the country. It is not for the interest of the manufacturers of those two small towns to have a monopoly of the business, particularly as they can supply but a small part of the demand. It is not for the interest of the glove cutters of the country to supply such a small part of the demand. And it is not in harmony with the laws of Congress which were enacted for all of the United States, and not for one county in the state of New York. A glove cutter is a skilled workman. Any one can soon learn to do the cutting. But he must be skilled in preparing the skins. In this case the Government undertook to show that this can be done by machinery. In part it is so done. But when so done, the skin is fired, or burned, and thereby weakened, and the glove made much inferior, and the purchaser thereby imposed upon.



It can serve no purpose to discuss the matter further. And especially so, in view of the fact that this is a criminal case. And all penal statutes must be strictly construed as against the Government, and liberally construed on behalf of one charged with crime.

3. On authority, the defendant should be acquitted. The statutes governing this case are to prevent the importation of foreign laborers under contract. The statutes are for two purposes. The one purpose is in the interest of good morals by keeping out the ignorant and the criminal and vicious. It is not pretended that the two Austrians are to be so classed.

The other purpose is in the interest, and on behalf of laboring people in this country. Every kid glove cutter thrown out of employment brings about the discharge of from five to eight glove makers. Every additional kid glove cutter that can be obtained, gives employment of from five to eight other people. And yet I have been pressed by evidence to hold that it is in the interest of labor to declare that just as few as possible of glove makers shall find employment, and that all such people shall go into other avenues and compete with other laborers, and allow the importations of kid gloves to go on.

The Supreme Court has held in the case of *United States vs. Laws*, 163 U. S. 258, that a chemist for a sugar plantation, could be brought to this country from Europe, under contract, and there be no violation of law. In 95 Federal Reporter 226, in case of *United States vs. Gay*, the circuit court of appeals, for the Sixth circuit, held it to be no violation of law to bring over under contract "draper, window dresser, and dry goods clerk".

As late as November 26, 1900, Hon. T. V. Powderly, United States commissioner of immigration, held it not to be in violation of law to bring over under contract "a thread and lace maker".

And in that decision, Mr. Powderly, was sustained by the Secretary of the Treasury. These three decisions are persuasive and have much weight with me. In principle I think they are in point.

If a "lace and thread maker"; or "a window dresser and draper"; or "a chemist for a sugar plantation", can be brought from Europe under contract, but not violate the immigration laws, then surely one who prepares and selects and dowsels a kid skin for fine kid gloves can be brought over, and such act be neither against good morals, nor good government, nor against the industry of making ladies' fine kid gloves.

For every of the three reasons, the defendant will be discharged.

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LETTER FROM S. C. HASTINGS.

Dear Brother:            Sacramento City, September 21, 1849.

I am now fixed at the city having lately returned from the south. I visited all those parts of the country which I think worthy of attention. Every thing which has been written of this country seems to be mainly correct, except the reputation of its agricultural resources. For agriculture alone, I would not exchange the county of Linn, Iowa, for all California.

I am now getting into a good practice, I believe. I have opened a Deposit office and have received within three days \$20,000 in deposits.

My health has been in the main good; altho' (strange, too) I had the chills and fevers in my travels south which I traveled. I now weigh more than I have for 20 years. Mr. Olds arrived here about 15 days ago, in excellent health, so fleshy you would not recognize him. He left his team and packed from near the Sink of Mary's river. Jeray is following with the teams. Great distress is reported back, but we have sent them relief. Stuart, Pratt, Buker, Daniels, &c., I understand, went by Salt Lake, and will probably pack through this fall, or in the spring. McCormick and Smith are said to be in the upper mines. Our Iowa folks are coming in well so far as I can learn. Richman has not yet got in, but will be out of danger; for if his cattle give out, he will be met by a train of pack mules. The families will receive the first attention from the relief trains. I brought up from Monterey 70 mules with some Government officers and men who go to the relief of the emigrants.

\* \* \* I received \$75, yesterday for one case, and \$16, today from our friend Sawyer Jenner, as a retainer in a suit before the Alcalde, which is settled. I have just loaned \$1000 for ten per cent for one month. \* \* \* \*

Yours, truly, S. C. HASTINGS.

Andrew, *Western Democrat*, Sept. 28, 1849.

## THE WRITINGS OF JUDGE GEORGE G. WRIGHT.

## VI.

## SHEPHERD LEFFLER.

Virginian. I knew him at school at Indiana State University. He was very prominent in early Iowa politics. Lived near Burlington in Des Moines county. Belonged to a family of great influence. Democrat,—his brother Isaac a Whig. Was U. S. Marshal in 1841-5. Other brothers and relatives stood remarkably well as farmers and business men in earlier Iowa. Shepherd was elected on the Democratic ticket at large with S. C. Hastings to Congress in 1846,—three competitors—Joseph H. Hedrick of Wapello county and G. C. R. Mitchell of Scott. He was president of the First Constitutional Convention. He was a terse talker—no surplusage—quick—a born politician—admirable presiding officer—had a desirable home near Burlington—was a lawyer, I believe, but never practiced—made a fairly popular canvass—not especially profound on political views and yet not a parasite of his party. How true this, when the record shows that he was a member of the House, Second [and Third] Territorial Legislature; of the Fourth, Fifth, Sixth, Seventh and Eighth Territorial Council, and having presided over the First Constitutional Convention, he was a member of the Second,—elected each time from Des Moines county—and then in Congress, 1846. With more energy—had life been spared he would have had still further honors if in the power of his party to confer them. He was one of the men to whom the State may well refer with pride and pleasure.

## S. C. HASTINGS.

His colleague above referred to (S. C. Hastings) was very prominent. Legislator, presiding officer, member of congress—Chief Justice of our Supreme Court—Chief Justice in Cal-



ifornia—a leading capitalist there—a money maker—owner of large ranches—few men were more actively connected with either Iowa or California politics and affairs. His home was at Muscatine (first called Bloomington). Among his townsmen were Judge Joseph Williams, Stephen Whicher, Ralph P. Lowe, W. G. Woodward, Jacob Butler, Scott Richman, Henry O'Connor, D. C. Cloud, John G. Deshler and others.

He was of the shrewd men of the world. His motto was to "win." Tall, straight as an arrow—dark complexion—fine looking—adroit and plausible in all his movements—a manner that captivated and led others to do and think as he did—he was a formidable antagonist whether at the bar, in legislative halls or at the huskings. He succeeded not so much by his strength of statement or argument as by personal influence or address or quiet private appeals of which he was perfect master. His habits were such in those early days that he was a leader of men, especially of young men, and few succeeded better in accomplishing their ends. There were many greater men, and yet by his diplomacy, frank assertiveness and fine presence, he had success beyond many of his fellows.

#### JOSEPH WILLIAMS.

His long-time colleague, Joseph Williams, was among the unique characters of this early age.

He was from Pennsylvania—a Methodist—a Democrat—the best teller of stories I ever knew—could play the fiddle, or, as far as I know, any instrument—could sing any song, whether in English, Dutch, Irish or Indian—lead a prayer or class meeting—talk as few others to a Sunday school or Bible society—and among the most interesting temperance talkers I ever heard. In the midst of hearing arguments he would write poetry. I remember that one afternoon in Ottumwa—he, chief justice—when the court was held in districts—he was apparently listening and taking notes of all arguments—that night made a temperance speech in the old court house, opening it with singing a song composed while listening—to the tune of "Lucy Neal"—the title "Little Billy Neal," and with which he captured the audience at

once and held entranced for an hour. The Judge was near-sighted—wore glasses—was of medium size—sinewy and well-calculated for pioneer life. His influence was always on the side of temperance, good morals, obedience to the law, good government, the church and the school. His manners were genial—his hold upon the people such that whether talking to a jury or to a mixed audience (and many were the evenings that he thus talked on temperance or to Bible societies or of agriculture in Iowa)—he was always aiding in giving us better society, better citizens and in the upbuilding of the State.

I never thought him a great student or lawyer, and yet his opinions (he did not write many) compare very favorably with those of his associates and compeers. For one of his organization—so ready to drop the pen and engage in something else, and especially in a social way—he had strangely enough the fault of prolixity in his opinions and especially unusual detail in his statement of a case. This may have grown out of early associations and the habit of following old-time judges in the other states. But he was very systematic in his statements. The young men of the bar all liked him. He never knowingly offended the tyro at the bar any more than the nestors. Though fairly dignified, he never let an occasion pass for a good joke whether in court, consultation, social circle or elsewhere. Had wonderful powers as a mimic and few his equals as a ventriloquist. He was at home in the most polite circles and could command respect and attention in the hardest and most boisterous crowd.

I have said he could play the violin. So could Jerry Church who lived in his cabin below Des Moines. They had lived and played together in Pennsylvania—had not met for twenty-five years. Williams came here to hold his fall term. Learning before reaching "The Forks" where Jerry's cabin was, and directed to him, [he went] by path to it. Jerry did not know him. He talked to him of lands and land buying until they got to the cabin. Getting off, and still unknown, he observed Jerry's violin—asked to look at it—handled it—tuned the strings—Jerry watched him, and presently Williams struck up "Arkansas Traveler"—

Jerry walked around, looked at him, and finally exclaimed, "Ain't your name Joseph Williams?" The Judge nodded his head, kept on playing, and Jerry said: "I knew it, by thunder, for no man living or dead, plays that tune that way but Joseph Williams and myself." And thus their acquaintance was renewed.

We had spent an evening over an elegant lunch of quail, venison, etc., and after that in the rooms of the Des Moines Improvement Company (Johnson, General Clarke and others representing the Company) in the Clinton. Williams told stories and sang songs. He was stopping at the Parke, three or four squares away. This was in 1857, I think. Ed. Johnstone, Coolbaugh, Grimes, Gillaspy, Neal, Woodward, Stockton, Lyman Cook and others present. We left Williams there. Very cold and ice everywhere. The next day it was told that Williams at twelve o'clock proposed to leave, when General Clarke, a most polite and courteous gentleman, insisted that he should remain all night. Williams gave reasons why he should return to the Parke. Clarke [said:] "If you go, I go with you, for I cannot permit one who has contributed so much to our amusement to return alone," and against the Judge's protest, go he did, and they started to walk arm in arm. Arrived at the Parke, the Judge says: "What is this I see,—a gentleman whose hospitality I have enjoyed about to brave the inclement night alone? Never, and you will allow me to return with you." And return he did, and when the Clinton was reached Clarke made a like speech, took the Judge's arm and escorted him back to the Parke. How often their politeness led to these trips I know not, but the tradition is that they finally separated half way, each going to his lodgings alone. I can well believe this, for it is perfectly characteristic of both.

In an early day at the old capital (Iowa City) there was an exquisite, long-mustached, lily-fingered pianist from the East—music teacher, Professor! At every social gathering, the Professor, if there was a piano, was called out, and he handled the keys with eyes upraised, head thrown back—sang in the most dramatic manner, and threw his hands, arms and head with all the spirit and abandon of the quack,



whether in music or in anything else. One evening Judge Williams took the piano,—the Professor present—and so perfectly did the Judge mimic him in tone, manner and touch that he refused to play, and soon after left the city for other worlds to humbug and conquer.

[Judge Williams] had an old friend—of the best circles and habits, who fell into dissipation. Finding him one day by the wayside, outside the city in a drunken stupor in the gutter, he raised him up, worked with him, seated on a log until he was fairly restored. At once he commenced the work of leading him to a better life. After some time, he said: "Judge, it is no use, there is not enough left of me to talk about, to trouble over or make a man of." Quick as thought, the Judge said: "John, there is! there is plenty, and by the grace of God you can be restored in all your former happiness to home, family, society and church." John said, "I will try," and promised he would come to the Judge's pew the next Sunday. Come he did, reform he did, and was soon and for years remained among the best and most influential of their citizens.

And thus it was he was always doing good. I know he was laughed at and made fun of by many who called him a mountebank and wanting in dignity, men who did not imitate him in sobriety, work as he did for temperance and the church,—men who were jealous of his hold on the people,—I say I am not unmindful of these things, and yet hesitate not to say that while he had faults and perhaps quite too many, he nevertheless was useful beyond many of his contemporaries, and was certainly helpful to the State far more than many of those critics and fault finders.

It was my privilege to be present at his funeral, and the affection and esteem in which he was held at his home (Muscatine, where buried) was most gratifyingly evidenced, in that high and low, rich and poor, black and white, were there by hundreds—almost by thousands—and the humblest were the most affected, lingered longest at his coffin and seemed to feel that their loss was personal and greatest. He was so generous in his nature—never accumulated much—he was always as kind and ready an adviser and helper to those ever so poor as to those in all circles—that

all felt that they had lost the most valued friend. I give it as my opinion that few public men in Iowa—though he had his faults and weaknesses—ever made a better impress upon the moral and material interests—did more in laying those foundations which now afford such good ground for praise and commendation.

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#### MASS MEETING AT DUNLEITH.

Rev. Henry Clay Dean,

Of Burlington, will address the people of Jo Daviess county, at Dunleith, on Monday Evening, November 1st.

Mr. Dean is one of the most distinguished clergymen of the state of Iowa, as he is one of the soundest and most eloquent speakers in the West. He is a clergyman but never preaches politics in the pulpit. As old ministers of Revolutionary days, when the clouds of war gathered dark in their country, donned the armor of battle, seized the weapons of blood, and went into the fight with the Bible in one hand and the sword of the patriot in the other, so goes Mr. Dean into the political struggle, with the Constitution as the Bible of his political faith, and reason as his weapon. With these he assails the sophistry and falsehoods of error, and demolishes the fabrics of bigotry and sectionalism.

Let the Democracy of Dubuque—nay, let every man in Dubuque, who wishes to listen to Mr. Dean's stirring appeal, turn out on Monday next, and pay the good people of Dunleith a friendly visit.

Ample preparations will be made for the occasion by the Democracy of Dunleith.

Remember, Monday evening, at 7½ o'clock.

Dubuque, *Express and Herald*, Oct. 28, 1858.

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#### ENLIGHTENED MINNESOTA.

The Legislature of Minnesota afford striking proof of their wisdom in passing a direct vote instructing the secretary to subscribe for all the newspapers published in the Territory and to cause the same to be bound and filed for future reference. The legislature of every state should take the same course, and thus place in the archives of the state day by day a chronicle of passing events as selected from mirrors that show every hue of opinion.

*Fort Des Moines Star*, November 23, 1849.

## PUBLIC ARCHIVES OF IOWA.

BY C. C. STILES.

## IV.

Articles on this subject have heretofore been published in the ANNALS, treating of the archives of the offices of Governor, Secretary of State and Auditor of State.<sup>1</sup> In this article is presented similar information upon the office of Treasurer of State.

This department of the government was established January 24, 1839, and designated "Treasurer of the Territory." The office was appointive and the first incumbent was Thornton Bayless, appointed by Governor Lucas. By the provisions of the Constitution of 1846 the department was continued under the title of "Treasurer." This constitution made the office elective and at the next election Morgan Reno was elected. The Constitution of 1857 continued the department under the titular head of "Treasurer of State."

The documents and records of the department mainly pertain to the receipt and disbursement of the revenues of the State. But many of a different character result from legislative changes in the duties of the office. This variety in the duties of the office appears in the classification of the documents.

There are also found in this department many historical documents not classed as public archives. These are mainly letters and documents of temporary commissions, not of statutory character, such as "Johnstown Flood" and "Russian Famine," where the Treasurer's office has been made the voluntary depository of gratuitous funds.

One of the most important of the additional duties assigned by law to this department is the collection of the collateral inheritance tax. Much material has accumulated in this division since its establishment in 1896. The office of

<sup>1</sup>Office of Governor, Vol. X, p. 166-193; Secretary of State, Vol. X, p. 273-319; Auditor of State, Vol. XII, p. 14-44.



State Treasurer retains all this under its control for the present, but there was obtained through the courtesy of Mr. Quincy C. Willis, Deputy Treasurer of State, who has been in direct charge of this division of the administrative work for a number of years, information necessary to enable an outline to be made for its classification when transferred to the Historical Department.

## OFFICE OF TREASURER OF STATE—CLASSIFICATION.

## MAIN DIVISIONS.

Series	I	Bids.
Series	II	Bonds.
Series	III	Certificates.
Series	IV	Collateral Inheritance Tax.
Series	V	Contracts, Agreements, etc.
Series	VI	Correspondence.
Series	VII	Notices.
Series	VIII	Orders.
Series	IX	Reports.
Series	X	Vouchers.
Series	XI	Miscellaneous.

## SERIES I. BIDS.

## Documents.

State Warrants, Purchase of

## SERIES II. BONDS.

## Documents.

Administrators  
Official

## SERIES III. CERTIFICATES

## Documents.

Bonds  
Deposit  
Election  
Indebtedness  
Purchase  
School fund, Interest on  
Swamp land indemnity  
Miscellaneous

## SERIES IV. COLLATERAL INHERITANCE TAX.

**Bound Records.**

- Estates reported, By counties**
- Register of estates**
- Register of receipts**

**Documents.**

(All documents are filed in the following order under each estate. The estates are arranged in chronological and alphabetical order.)

- Appraisement**
- Notices**
- Release from appraisement**
- Reports**
- Miscellaneous**

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## SERIES V. CONTRACTS, AGREEMENTS, ETC.

**Documents.**

- Miscellaneous**

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## SERIES VI. CORRESPONDENCE.

**Bound Records.**

- Letter books**
  - Collateral inheritance tax**
  - County attorneys**
  - General**
  - State institutions**

**Letters.**

- Agricultural College loans**
- Checks and drafts**
- County officers**
  - County attorney**
  - County superintendent**
- Lands**
  - Des Moines river**
  - General**
  - Iowa State College of Agriculture and Mechanic Arts**
  - Railroad**
    - Chicago, Rock Island & Pacific**
    - Des Moines & Fort Dodge**
    - Des Moines Valley**
    - Iowa Falls & Sioux City**
    - Miscellaneous**

**Lands—Continued.**

- Saline
- School
- Swamp
- University

**Revenue**

- Counties
- Miscellaneous

**School fund****State institutions**

- College for the Blind
- Industrial Home for the Blind
- Industrial Schools
  - Boys, at Eldora
  - Girls, at Mitchellville
- Institution for Feeble-minded Children
- Iowa Soldiers' Home
- Iowa Soldiers' Orphans' Home
- Iowa State Teachers' College
- Penitentiaries
  - Anamosa
  - Ft. Madison
- School for the Deaf
- State Hospital for Inebriates
- State Hospitals for Insane
  - Cherokee
  - Clarinda
  - Independence
  - Mt. Pleasant
- State Sanatorium for Tuberculosis
- State University

**State Offices, Boards, etc.**

- Adjutant General
- Attorney General
- Auditor of State
- Control, Board of
- Custodian of Public Buildings
- Dental Examiners, Board of
- Executive Council
- Fish and Game Wardens
- Food and Dairy Commission
- Geological Survey
- Governor
- Historical Department
- Iowa State Library
- Labor Statistics, Bureau of



**State Officers, Boards, etc.—Continued.**

Library Commission  
 Medical Examiners, Board of  
 Pharmacy, Commission of  
 Railroad Commissioners  
 Secretary of State  
 State Mine Inspectors  
 State Oil Inspectors  
 State Printer  
 Treasurer of State

**Taxes**

Collateral inheritance  
 Davenport and Dubuque Street Railway  
 Company  
 Express  
     Continental  
     Pacific  
     United States  
 Insurance  
 Lands  
 Railroads  
     Companies  
     Counties, to aid in building  
     United States  
 Refining companies  
 Refrigerator transit companies  
 Telegraph  
 Telephone  
 Warrants  
 Miscellaneous

**Warrants****Miscellaneous**

Banks  
 Bids and contracts  
 Bonds  
 Centennial Exposition  
 Claims  
 Dictionary fund  
 Grey uniforms  
 Johnstown flood  
 Laws  
 Licenses  
     Itinerant peddlers  
     Peddlers  
     Miscellaneous  
 Notices

**Miscellaneous—Continued.**

- Refunds
  - Columbian Commission
  - Legislative
  - Miscellaneous
- Reports
- Russian Famine
- Vouchers
- Unclassified

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## SERIES VII. NOTICES.

**Documents.**

- Appointments
- Fines collected
- Interest due on Agricultural College loans
- Investments
- Protests
  - Banks
  - Insurance companies
  - Postal telegraph
  - Warrants
- Publication
- Revocation
- Suspension
- Miscellaneous

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## SERIES VIII. ORDERS.

**Documents.**

- Auditor of State
  - Transfers
- Board of Control
  - Transfer, credit, etc., of the funds of State institutions.

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## SERIES IX. REPORTS.

**Bound Records.**

- Auditor
- Iowa State College of Agriculture and Mechanic Arts
- Miscellaneous

**Documents.**

- Commissions, Commissioners, etc.
  - Iowa Trans-Mississippi and International Exposition

**Commissions, Commissioners, etc.—Continued.**

Public Buildings  
 School Fund Commission

**County Officers**

County Superintendent of Schools  
 Fees  
 County Treasurers  
 Revenue

**State Institutions**

Collège for the Blind  
 Industrial Home for the Blind  
 Industrial (or reform) Schools  
 Boys, at Eldora  
 Girls, at Mitchellville  
 Institution for Feeble-minded Children  
 Iowa Soldiers' Home  
 Iowa Soldiers' Orphans' Home  
 Iowa State Agricultural College, etc.  
 Penitentiaries  
 Anamosa  
 Ft. Madison  
 School for the Deaf  
 State Hospital for Inebriates  
 State Hospitals for Insane  
 Cherokee  
 Clarinda  
 Independence  
 Mt. Pleasant

**State Officers, Members of Boards, etc.**

Adjutant General  
 Sales of ammunition  
 Sales of arms and stores  
 Auditor of State  
 Fees  
 Banks  
 Building and Loan  
 Insurance  
 Municipal examinations  
 Miscellaneous  
 Warrants issued  
 Des Moines River Improvement  
 fund  
 General revenue  
 War and defense  
 Clerk of Supreme Court  
 Fees



**State Officers, Members of Boards, etc.—Continued.**

- Custodian of Public Buildings
- Dental Examiners, Board of
- Educational Board of Examiners
- Food and Dairy Commission
- Governor
- Health, Board of
  - Embalmers Department
  - Maternity hospital
  - Medical Examiners, Board of
  - Nurses department
  - Veterinary Medical Examiners, Board of
- Iowa State Library
- Library Commission
- Pharmacy, Commission of
- Secretary of State
  - Fees
- State Land Office
- State Mine Inspectors
  - Fees
- State Oil Inspectors
  - Fees
- Treasurer of State
  - Monthly
  - Quarterly
  - Railroads
  - Warrants endorsed
  - Warrants redeemed
- Miscellaneous
  - General Land Office
  - Swamp Land indemnity

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**SERIES X. VOUCHERS.****Bound Records.**

- Balance Books
- Invoices
- Journals
- Ledgers
- Registers
  - Bonds
  - Checks
  - Drafts
  - Deposits
  - Warrants

**Bound Records—Continued.****Stub Books**

Checks  
Express  
Fees  
Institutions  
Insurance  
Revenue  
Miscellaneous

**Documents.****Labor and materials on Capitol****Notes paid and cancelled****Receipts**

Dictionary fund  
Deposit of bids on Capitol, etc.  
Distribution of laws  
Expense of prosecutions by Pharmacy Commission  
Express companies  
Interest of Agricultural College loans  
Salaries  
    Auditor of State  
    Members of General Assembly  
Sales  
    Iowa City lots  
    Land sale notes  
    Railroad lands  
State revenue (by counties)  
Swamp land indemnity fund (by counties)

**Warrants****Miscellaneous****SERIES XI. MISCELLANEOUS.****Bound Records.**

**Abstracts**  
**Memoranda**  
**Miscellaneous**

**Documents.**

**Acts of General Assembly**  
**Affidavits**  
**Approval by Executive Council of Investigation of  
Agricultural College Funds**  
**Checks (see list)**  
**Deeds**  
**Distribution of 5% School Fund**  
**List of lots at Iowa City**

**Documents—Continued.****Opinions of Attorney General****Release of railroad lands****Statements**

Banks

Bond agents

State Treasurer

**Transcripts****Unclassified**

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**BRUSSELS CARPET MANUFACTORY IN MUSCATINE.**

Our down river sister city Muscatine is a live place. Its people are not asleep, as its rapid improvement and its untiring energy in extending its railroads, and in making itself a commercial center, abundantly prove.

Muscatine does not, like Davenport, go a-begging for other people to build its roads. Its people do not advocate either county or state debt, in their behalf.

But the spirit of the people of that town is manifested in various ways and in many things they have taken the lead.

It would hardly be believed that there is at present a manufactory of Brussels Carpets in the state of Iowa; yet such is the fact, and that manufactory, too, is in Muscatine, as we learn from the *Journal* of last Friday. It states that "Mr. James Kitley has engaged in the business of carpet weaving, and there is to be seen in his shop a piece of Brussels Royal Velvet, of his own make, equal to any imported carpet. We can from personal knowledge say that he is master of his trade. His place is at east end of Eighth St."

We look upon this single fact as the beginning of an important era in the history of the State. Let Iowa manufactures prosper, say we.

Dubuque, *Express and Herald*, Nov. 4, 1858.

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**GREENE & MERRITT,****Attorneys-at-Law and Solicitors in Chancery.**

George Greene and Edward Merritt, having associated themselves for the practice of law at Dubuque, Iowa, will punctually attend to professional business in the several counties in the Territory, and will also act as general land agents, Dubuque, April 24, 1844.

Dubuque, *Iowa Transcript*, November 1, 1844.

## JUDGE GEORGE GREENE.

BY B. L. WICK.

At the Founders Day gathering at Coe College on December 3, 1914, considerable new material came to light concerning the life and services of George Greene, one of the founders of that institution.

George Greene was a pioneer along many lines in the development of the State. He was born at Staffordshire, England, April 15, 1817, and was the eldest of three sons, George, William and Joseph, all of whom settled, lived and died in Cedar Rapids.

Robert Greene, the father, emigrated with his wife and family to America in 1820, locating in Buffalo, New York, where he became a contractor and engaged in building the locks on the Erie Canal. He died in 1831, and George Greene, then barely fifteen years of age, became the sole support of the family. About 1836 he went to England for a time, but soon made his way back to America. He obtained some schooling in Buffalo and attended Aurora Seminary, French Institute at Geneva and Caryville Academy. As clerk and assistant he entered the office of George Baker, a well-known lawyer. He soon went to live with a Dr. Chapin, and for a time was imbued with the idea of becoming a doctor. He did study medicine for awhile but later gave it up and began the study of law, aiming to settle down at Buffalo in the practice of law.

On May 30, 1838, he married Harriet Merritt of Buffalo. She was the daughter of a physician of that city and a sister of Colonel Merritt who later figured as a newspaper man and a politician in Iowa. Shortly after his marriage he migrated to Davenport, Iowa, where he intended to locate. There he met David D. Owen, son of Robert Owen, who was at that time making a geological survey of the new Territory for the government. He joined Mr. Owen in this work which lasted six months and gave him an opportunity to become acquainted not only with a new country but with most of the settlers. He be-



came a friend of Dr. Owen who no doubt helped the young man in many ways.

From Davenport Mr. Greene removed to Linn county, locating at a little trading village known as Ivanhoe, on the Cedar river near where Mt. Vernon is now situated. It was at that time supposed to be the future metropolis of that section of the country, but is now known only by name. Here he brought his young wife and established the first store in Linn county. He also taught school during the winter. The county seat being located at Marion, some distance from Ivanhoe, in the spring of 1840 he removed to that place and began the practice of law which he continued for five years. He had scarcely been in the county a year before he was elected as a representative to the Territorial legislature where he served two sessions.

Before leaving New York Mr. Greene had been appointed by Governor Seward as lieutenant in one of the New York regiments raised to put down the so-called Patriots' Rebellion. After removing to Iowa he was appointed a lieutenant colonel by Governor Chambers. However, he never became imbued with the military spirit and never entered active military service.

In 1842 he was sent as a special delegate to Washington to secure the location of the land office at Marion. In this he was successful.

Perceiving the advantage of a water power to operate grist and saw mills, during the summer of 1841, with N. B. Brown and others, he purchased the water power on the Cedar river, locating the town site first called Rapids City and later Cedar Rapids.

Being of a restless disposition, and finding little if any law practice in this new portion of the Territory, he removed in the spring of 1845 to Dubuque, seeking a more extensive field. He associated with J. J. Dyer, afterwards judge of the United States district court. In connection with the legal business, which was not over-lucrative even at Dubuque, he became the editor of the *Miners' Express*, one of the first newspapers of the Territory, and edited it for three years. His talents and

legal knowledge soon became recognized, and in October, 1847, he was appointed judge of the supreme court of the new State, on the resignation of Judge Thomas S. Wilson. In December, 1848, he was elected justice by the general assembly, and served out his entire term of six years. It was during this period of his life that he edited the Iowa Reports known as Greene's Reports, consisting of four volumes. The opinions in these reports all bear evidence of his marked ability.

In April, 1850, his wife died and in 1851 he removed with his two children to Cedar Rapids. From that time until his death except for a short stay in Chicago where he was a member of the law firm of Greene and Bently, he was a resident of the county which he assisted in many ways to develop. In January, 1855, he married Frances R. Graves, daughter of Calvin Graves of Cooperstown, New York.

Judge Greene, with John Weare, started the first bank in Cedar Rapids, known as Greene & Weare. Branches of this bank were established at Des Moines, Council Bluffs, Omaha, Fort Dodge, Sioux City and other centers of population. The panic of 1857 wiped out most of them and the firm dissolved, the partners liquidating.

Judge Greene later became interested in railroad building. He was one of the organizers and directors of the Chicago, Iowa & Nebraska railroad, which was completed to Cedar Rapids in the summer of 1859. In this connection he was associated with John I. Blair. He was also engaged in building a short line of railroad sixty miles long, known as the McGregor Western, now a part of the Chicago, Milwaukee & St. Paul railway. He was likewise connected with the building of the Rockford, Rock Island & St. Louis railway along the eastern bank of the Mississippi river, and with building the St. Louis, Hannibal & Keokuk and the Memphis, Kansas & Colorado and the Muscatine Western railways. While assisting with others in building the above-named railways, he was really one of the main promoters of what was known as the Burlington, Cedar Rapids & Minnesota railroad, a system which, with its branches, made Cedar Rapids a city of considerable commercial importance. At the time, these railroad

enterprises from a financial standpoint, were a failure, but Judge Greene did not give up, and after many disasters in railway building, succeeded in putting the last-named road on its feet, so that it became one of the best paying properties in the State.

Railway building was not Judge Greene's only interest. He was largely responsible for the purchase of a river steamer called "Cedar Rapids," which ran between Cedar Rapids and St. Louis just before the advent of the railroad. This steamer met with an accident and the owners lost heavily. This was the first and last steamboat venture on the Cedar river. He was also interested in one of the first stores opened in Cedar Rapids, as well as in the first newspaper, called the *Progressive Era*, edited by Dan Finch. He was the first president of the Republican Printing Company, a corporation still in existence. He early saw the need of a public water supply for the use of the fast-growing city, and organized the Cedar Rapids Water Company, which has lately been taken over by the city. He built the first street car line and erected the first opera house. Many of these enterprises did not pay, but Judge Greene early saw that these things were essential to the growth of a city.

His broad mind also comprehended the need of other than the material things of life. He was one of the organizers of the Episcopal church, of St. Luke's Hospital and of Coe College, and helped in many of the city's charitable organizations.

Judge Greene passed away June 23, 1880, in the sixty-fourth year of his age. He had twelve children, seven of whom survived him. His widow passed away December 13, 1911, in the eighty-first year of her age.

The industry and perseverance of Judge Greene entitled him to a high place in the history of the State. His acquaintance over the country was extended and he associated with men of wealth and induced them to invest their money in Iowa. He was a sound lawyer, a logical judge and a far-sighted financier. His influence in every way was elevating and his contribution to the history of the development of the State in the early days cannot be too highly commended.

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BY ALICE MARPLE.

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\*This list of authors and their works is herewith published, to continue until complete, for the purpose of recording all that is at present known or that can be ascertained upon the subject. Criticism and suggestions are invited.—EDITOR.

†Abbreviation of publishers' names follows the usage of The Cumulative Book Index, the H. W. Wilson Company, Publishers, White Plains, New York.



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Herewith appear names, and character of books or pamphlets, of Iowa writers not heretofore listed by us. Fuller information will appear in a completed list to be published later:

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 Callender, William, History.  
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 Corey, S. A., Mathematics.  
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 Edey, E. C., Economics.  
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 Lloyd, Frederick, Biography.  
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 Michael, William H., History.  
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# ANNALS OF IOWA

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## EDITORIAL DEPARTMENT

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### THE DEVICE OF OUR FIRST OFFICIAL SEAL.

The Thirty-sixth General Assembly empowered the Curator to certify copies of such of the public papers as he receives from State offices for perpetual care and custody in the Division of Public Archives in the Historical Department. Such certification implies an official seal.

Study for the device of such a seal reveals nothing appearing to so well combine a symbolism of Iowa history, art and patriotism with that permanence, dignity and beauty of design requisite to a seal, as does the classic visage of the founder of the Historical Department.

There is immeasurable satisfaction in authenticating the most formal and imperishable communications of the Department by affixing a visual reminder of that unselfish service to which Iowa is indebted for an aroused respect for her historical interests. Formal documents with this impress in a sense will be inspirited. They will have with them something like the presence as well as the thought of Charles Aldrich.

## THE CUSTODY AND USE OF HISTORICAL MATERIALS.

The historical materials of Iowa under the custody of the Historical Department at Des Moines, consist of all that we can obtain of the genuine, original objects, books, newspapers, maps, manuscripts and other things that evidence or illustrate the lives of men as notable individuals or their movement in groups or in procession in our community development. Our materials are derived by gift, bequest, purchase, legislation, discovery or production by our workers and associates. How and to what extent the collections are available for the use of others than the Historical Department, we will endeavor to define.

It appears that institutions such as ours are bound to their respective traditions and environment, and that no common basis of co-operation between institutions and public, or institution and institution obtains. A few custodians have forced their way through obstructions and by a sort of comity have worked out a species of ethics similar to that obtaining in the practice of the law, thus exchanging views, borrowing and lending collections and otherwise expanding their traditional boundaries. But as has been stated by Mr. Lawrence J. Burpee and others, no system nor science controls.<sup>1</sup> Hence the writer's views upon this phase of the responsibility of custody of historical materials and the policy of the Historical Department with respect thereto are here presented in response to numerous requests of heads of other institutions.

Whatever one's desire to use or allow the use of materials under his charge, he is responsible directly through law, contract, presumptions and rules of ethics to the person or source from which possession or title to each item in his trust is derived. The public archives being derived through law, from state officials, are to be held and used by the curator as if he were in fact a composite of the persons who have from time to time as incumbents of the office had personal re-

<sup>1</sup>ANNALS, V. XII, No. 1, April, 1915.

sponsibility for the papers. Wherein they or any of them should have held to any rule of use, that rule the curator is obliged to discover and regard in the formulation of his policy and rules. Materials derived by gift or bequest are held by a right wholly different from that by which public archives are held, and the curator is presumed to know and to enforce compliance with each condition going with title or possession. Such materials as are discovered or produced by us are subject to all the considerations of good conscience that bear upon the performance of any other public trust. The curator escapes no charge or complaint that is or may be lodged against the persons formerly in possession.

The Iowa statute on libel suggests one extreme of liability and is as follows:

A libel is the malicious defamation of a person, made public by any printing, writing, sign, picture, representation or effigy, tending to provoke him to wrath or expose him to public hatred, contempt or ridicule, or to deprive him of the benefits of public confidence and social intercourse; or any malicious defamation, made public as aforesaid, designed to blacken and vilify the memory of one who is dead, and tending to scandalize or provoke his surviving relatives or friends.

No printing, writing or other thing is a libel unless there has been a publication thereof.

The delivering, selling, reading or otherwise communicating a libel, or causing the same to be delivered, sold, read or otherwise communicated, to one or more persons or to the party libeled, is a publication thereof.

Every person who makes, composes, dictates or procures the same to be done, or who wilfully publishes or circulates such libel, or in any way knowingly or wilfully aids or assists in making, publishing or circulating the same, shall be imprisoned in the county jail not more than one year, or be fined not exceeding one thousand dollars.

This liability would arise probably not once in a thousand times in collections of archives and personal manuscript materials, but it reveals the difficulty with which one contemplates the holding of deposits loaded with public and private explosives which may be as readily touched into instant life by the deliberation of the scholarly stranger as the careless janitor. Regardless of the date of a circumstance or of a paper disclosing it, injury is actionable at law and repulsive in

morals, not as of the date it became possible but of its effect. Between this extreme and that of the original discovery and publication of highly creditable but forgotten facts regarding men and events of former days, lies the field of discretion on the part of the curator.

The writer advocates the acquisition and preservation of every scrap of paper that originates with or comes from the hand of any man of note. He believes the supreme test for such item was when it passed in review of the attention of the mind of the person through whose hand it was derived. If at that instant that mind reserved it, every other mind following is put upon inquiry whether all the functions for which it was originally reserved have been performed. Few of us have the temerity to say a man once high in military or social affairs, knew or felt less accurately the meaning of an item related to his problems than can thereafter become known without our own exhaustive study. Few of us have time even if we had the ability to judge whether all the functions for which an item was reserved have been performed. So the custodian of historical materials should both acquire, and control the use of all that exists which tends to throw light upon the working out of the destiny of man within his sphere.

The writer holds that the curator must therefor know the qualifications and purposes of applicants for the use of historical materials precisely as the banker must know the things necessary to protect and produce dividends upon the funds of his depositors which as an agent he lends to his clients. Nor is it unnecessary hardship upon the user to cause him to make himself known in this respect. To establish himself in the acquaintance and confidence of the curator is to clothe his naked right with a good will and convert passive into active energy. He gains access to the whole of the record and all the local color with which the curator is possessed. Often this is vital to success. For instance, if a student observe from available sources that the current of a life or of public affairs suddenly swirls about something he senses but cannot see, he confers with the curator and finds there is some explanatory tradition or "inside evidence." The student proceeds with knowledge or at least with notice,



where, unassisted, or without the confidence of the curator, his course must have been at random or at the least uncertain. The writer has entrusted matter in confidence to investigators under assurance of honor against untoward use of facts and has had the pleasure of seeing rocky channels thereby safely navigated and accurately charted without inviting wreck. The curator as a trustee is entitled to personal safety and to obtain it is entitled to establish rules and exact guarantees so long as he exercise good faith, diligence, and the maximum of his intelligence in dealing with applicants. But after all it is for him to determine in every instance of applicant and purpose; of item and its bearing. There is probably no field of scholarly endeavor where as highly trained men on as important missions meet (and by the way, present) so great a lack of uniformity, not to say low order, of ethics as that where the inquiring mind presents itself to the keeper of historical material. There is no institution where the contending considerations of this complex trust is better illustrated than in the Historical Department of Iowa. There is nothing better supported than our rule that everything possessed is for the public use, yet whether a proposed use is of public or private character is for the decision of the curator.

#### PROPOSED GRAND ARMY CORRIDOR.

Officials and leaders of the Iowa Department, Grand Army of the Republic, plan for an eventual testimonial to the valor of loyal soldiers of Iowa in the War of the Rebellion. The idea is best outlined in resolutions adopted at the 41st annual encampment of the Iowa Department, Grand Army of the Republic, Sioux City, June 8-10, 1915:

*Whereas*, Many of our Grand Army Posts and individual comrades and their families possess valuable records, correspondence, pictures, trophies and books which illustrate our service for the Union, and which are likely to be lost, Be it

*Resolved*, That all comrades of this department are urged to send or provide for the sending of all such material to the office of the Assistant Adjutant General at Des Moines for safe keeping, particularly all unused Post records, correspondence, pictures, flags and wall pieces, and all letters, commissions, weapons and uniforms that relate to the Federal service of the soldier or sailor, that are still in existence.

*Resolved*, That we urge the next General Assembly to erect a suitable addition to the State Historical, Memorial and Art Building, to be known as the Grand Army Corridor, or some suitable designation, where all Civil War material the State possesses or may acquire may be assembled. The same to be the sole repository of the Civil War history of Iowa, to be owned by the State of Iowa forever.

From this it is inferred that by a sort of gravity there may come into the keeping of the principal officials of the Grand Army in our State all that exists outside the State's collections, of writings, relics, trophies, records and literature be-tokening the contribution in blood and treasure of Iowa people to the Union cause; that when the Grand Army so desires, its official headquarters shall be by them established in an apartment designed by and for them, and for the convenient, permanent and public exhibition of all material relating to soldier service of Iowa citizens.

Nothing so inspires our youth as the bullet-shredded standard of our country. Nothing stirs the emotion of new citizens from foreign countries or sister states as the service-stained uniform or accoutrement of the Iowa volunteer soldier soiled in his struggle for human rights. Probably no portion of the Iowa field of scholarly study will in future be covered with greater diligence or more devotion than that wherein were planted, grown and garnered the seeds of civil strife.

Iowa soldiers and their families at home or removed elsewhere could not now so honor their names as to respond to this resolution. Our Department has no higher office than the co-operation with the Iowa Department Grand Army of the Republic, in its great purpose. Iowa has no better tribute remaining, since it has marked with bronze and granite the battle grounds and burial places of her troops in southern lands, than to raise a fitting structure central to all Iowa historical, memorial and art collections, as her Grand Army Corridor. We have had no "Little Corporal." We recall no St. Helena. We need no Invalides. But without a temple or imperial tomb, in response to this resolution, Iowa should in justice and may in modesty provide a monument less imposing and yet as eloquent.

## NOTES.

## LOCATION OF A MORMON TRAIL MONUMENT.

Mrs. D. W. Bushnell, for the Iowa D. A. R., seeking assurance for a correct location within the city of Council Bluffs for a monument marking the route of overland travel across Iowa upon the Mormon Trail, was advised by the writer as follows:

The flow of immigration from eastern Iowa through Council Bluffs and onward was like that of the water through Lake Pepin on the upper Mississippi. We can say with precision where it entered and with certainty at what point it left. But within the city there was the same phenomena of current and quiet, of swirl and stillness, of sweeping and of settling, as the excitement in the East and in the West ebbed and flowed; as the ground and the grass, the warmth and the coldness of the air affected the sensibilities of those bound west. Technically it is safe only to say that the main thread of travel entered Council Bluffs where the road from Lewis passes the state School for the Deaf; then its fraying fibers spread all about the hills and bottom-lands; that they were again gathered into one thread now reaching across the Missouri at one place at a ferry, then at another as the ferry was changed up or down stream. Absolute precision in the location of a marker is immaterial so long as it is found with ease by whoever seeks it and it states the essential facts in accurate language.

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FROM THE ANDREW WESTERN DEMOCRAT, January 25, 1850.

## A NEW FERRY ACROSS THE MISSOURI RIVER.

The subscribers having obtained from the General Assembly of the State of Iowa, a charter to keep a Ferry across the Missouri river at Council Bluffs, and a permit from the Indian agent at Council Bluffs Agency to land in the Indian Territory, are prepared with new and safe boats and tried watermen to attend faithfully to the duties of said Ferry. For those going to Oregon or California, this is decidedly the best crossing place. Aside from being over three hundred miles nearer than by Independence, it saves the difficult and dangerous crossings of the two forks of the Kansas river, the Platte river and several others, and insures the protection of the United States troops, as well as the Agency of the Ottos, the Omahas and Pawnees being at the Bluffs.

The roads to this Ferry from the various crossings on the Mississippi through the interior of Iowa are good, well supplied with

wood and water, and every other article needed by the emigrant, and at St. Francis and Council Bluffs all articles of food, furniture, &c., that will be needed in crossing the mountains, can be had on reasonable terms, as well as good and experienced guides and mountaineers; in fact it is designed to be prepared with all such articles as the traveler may need to add to his comfort or safety.

Those who wish to spend the winter here in order to cross the mountains early, can find abundance of all that they require for themselves and teams. This ferry being on the direct line from Chicago to the South Pass, gives it a decided advantage over the old route. All North of the Iowa should pass through Iowa City, via Trading House, 25 miles, (Bob Hutchenson's residence,) Snook's Grove, 24 miles; to Newton, 34 miles; this is the county seat of Jasper county; to Fort Des Moines (Raccoon Forks) 30 miles; here goods and stores of every kind needed can be had on fair terms. From this place the road is the best of any in the state. To Brown's ford on North river, 18 miles; Happy grove, 6 miles; to Marvin's grove, 6 miles; to Tucker's grove, 10 miles, ( $\frac{1}{2}$  mile off the road;) to Allen's, 9 miles, at the bridge across Middle river; to east fork of the Nodawa, 13 miles, good ford; to west fork of the Nodawa, Campbell's grove, 15 miles, stream bridged—plenty of timber; to east fork of the Nishnabotany, 12 miles, Ferrin's ferry at the old Indian village. Here the northern road intersects the Mormon trail; to Mt. Scott, 17 miles; to west fork, 5 miles; to Silver creek, 10 miles; to Keg creek, 6 miles; here the road forks, the right hand leads to Kanesville, the principal Mormon town, the left to St. Francis, opposite Council Bluffs Agency in Nebraska Territory.

#### SOUTHERN ROUTE.

Eddyville is the principal crossing place of the southern road—emigrants would do well to lay in their supplies here as there are some five or six large stores, flouring mills, &c.; to Clark's Point, 13 miles; to Prather's, 12 miles; to Chariton Point, 13 miles, center of Lucas county; to Watson's, 20 miles; to Pisgah, 40 miles, to Ferrin's ferry at the junction of the northern and southern roads, 60 miles. The distance from Iowa City to St. Francis, can be traveled in 12 days with good ox teams. From Eddyville in 14 days.

CLARK, TOWNSEND, WHEELING & CO.

St. Francis, July, 1849.



## THE GETTYSBURG SPEECH IN THE IOWA NEWSPAPERS OF THE TIME.

Our file of the *Ottumwa Courier* for November 26, 1863, contains the following editorial upon Lincoln's Gettysburg speech on the dedication of the battle ground on November 19, 1863:

The consecration of a Cemetery on the Battle Ground of Gettysburg on the 26th, [19th] was one of the most solemn and impressive occasions ever witnessed in this country.—Over 50,000 people, including President Lincoln, several heads of Departments, Governors of States, and other persons high in civil and military life, were present. A very impressive prayer was made by Rev. Mr. Stockton, the eloquent Chaplain of the U. S. Senate. Hon. Edward Everett delivered an oration occupying 2 hours and 4 minutes, which is pronounced among the most eloquent of his discourses. Speeches were made by Col. Forney, and the best one of the occasion by Lieut. Gov. Anderson of Ohio. President Lincoln spoke as follows:

"Four score and seven years ago, our fathers established upon this continent a Government subscribed in liberty and dedicated to the fundamental principle that all mankind are created equal by a good God, and (applause) now we are engaged in a great contest. We are contesting the question whether this nation or any nation so conceived, so dedicated can longer remain. We are met on a great battle field of the war. We are met here to dedicate a portion of that field as the final resting place of who have given their lives to that nation that it might live. It is altogether fitting and that we should do this. But in a large sense we cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men lying dead, who struggled here, have consecrated it far above our poor power to add or to detract. (Great applause)—The world will little heed, nor long remember, what we say here; but it will not forget what they did here. (Immense Applause.)

It is for us rather, the living, to be dedicated here to the unfinished work that they have thus far so nobly carried forward. It is rather for us here to be dedicated the great task remaining before us; for us to renew our devotion to that cause for which they gave the full measure of their devotion. Here let us resolve that what they have done shall not have been done in vain. That the nation, shall, under God, have a new birth. That the Government the people founded, by the people shall not perish."

The National Cemetery adjoins the Gettysburg Cemetery, sloping northwards, towards the long line of hills from which the foe made their attack. The old cemetery has been beautifully improved, though not all the monuments and iron fence demolished by shot and shell have been restored.—It is an elevated and commanding site, sloping down handsomely all around, except to the eastward, where a slight descent brings up to the hill, where the earth defenses of two batteries are as they were constructed.

## NOTABLE DEATHS

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LORENZO FRANK ANDREWS was born in Athol, Massachusetts, March 8, 1828; he died at Des Moines, July 8, 1915. When two years of age his parents removed to Brandon, Vermont, remained there for ten years, and then returned to Massachusetts. He attended the common schools and had one term in Troy Conference Academy at Poultney, Vermont. From sixteen to eighteen years of age he was an apprentice in the office of the Barre (Mass.) *Patriot*. In 1850 he removed to Kalamazoo, Michigan, and worked in the office of the *Telegraph*. Later he established the *Western Union* at Niles, Mich., which was destroyed by fire; a weekly paper at Girard, Pa., which he sold; served as city editor of the *Daily Northwestern* at Oshkosh, Wis., for a year and as assistant editor of the *Daily Courier* at La Fayette, Ind., for two years. In 1863 he removed to Des Moines and entered the office of Mills & Company, publishers. While working there he read law, entered the first class of the Iowa Law School, graduated in 1866, was admitted to the practice and appointed United States Commissioner for Iowa. He was State correspondent of the *Chicago Evening Journal* for thirty years and at times for the *Chicago Tribune*, *St. Louis Globe-Democrat*, *St. Paul Pioneer Press* and *New York Tribune*. He was night editor of the *Daily Register* under Mills & Company and city editor of the *Daily Republican* and *Daily State Journal*. In 1880 he was appointed the first secretary of the State Board of Health. A new law requiring the secretary to be a physician was passed the next year, and he became assistant secretary, serving for eighteen years and assisting in the passage of numerous important laws conducive to public health and safety. He reported the proceedings of the legislature for more than twenty years. In recent years Mr. Andrews devoted his time to collecting and recording facts and biographies of early days and early settlers in the city and State. In addition to his numerous special articles he was the author of "Pioneers of Polk County," a two-volume work published in 1908.

CLARENCE S. WILSON was born in Louisiana, November 11, 1840; he died in Des Moines, August 18, 1915. He came to the North when a young man, and as a rider on the Overland Pony Express carried mail across the plains for some years. He went to Winterset, Iowa, about 1861 and obtained employment as a printer. He enlisted in Company D, First Iowa Cavalry, on June 13, 1861, and after eighteen months' service, received his discharge

on account of disability on February 14, 1863. He returned to Iowa and in the winter of 1864-65 located at Pella, where he established the *Pella Blade*. In 1866 he was appointed a clerk in the House of Representatives. In 1871 he removed to Des Moines and for six years was city editor on the *Iowa State Register*. In 1878 he served as Representative from Polk county in the Seventeenth General Assembly and was instrumental in passing the law to establish the board of railroad commissioners. In 1887 he became one of the founders and first editor of the *Des Moines Daily News*. He afterward disposed of his interests in this paper and was city editor on the *Des Moines Daily Capital* for a time and did similar work in St. Joseph and Atchison. He removed to California several years ago on account of his health, returning to Iowa for special treatment about a year before his death. He was considered an ideal reporter and his editorials were widely read and quoted.

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CHARLES EDWIN BESSEY was born at Milton, Ohio, May 21, 1845; he died at Lincoln, Nebraska, February 25, 1915. He was brought up on a farm and received his early education in the common schools and in the academies at Seville and Canaan, Ohio. He was graduated from the scientific course in the Michigan Agricultural College at Lansing, in 1869, and studied at Harvard under Prof. Asa Gray, 1872-1873 and 1875-1876. From 1870 to 1884 he was professor of botany in the Iowa Agricultural College, then in its pioneer days, and served as acting president during the year 1882. In 1884 he was appointed to the chair of botany in the University of Nebraska and filled that position until his death, also acting as chancellor 1888-1891, 1899-1900 and 1907, and as head dean since 1909. He was editor of the department of botany of the *American Naturalist* from 1880 to 1897 and of *Science* since that date. He was probably the most noted botanist in the country, an investigator of international repute and had served as president of the American Association for the Advancement of Science, 1910-11; Botanical Society of America, 1895-96; Society Promotion of Agricultural Science, 1889-91; Department of Natural Science, National Educational Association, 1895-96; American Microscopical Society, 1902. He was the author of many text books on botanical subjects and a contributor to the leading scientific periodicals.

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MELVIN H. BYERS was born in Noble county, Ohio, January 12, 1846; he died at Des Moines, July 27, 1915. He removed with his father's family to Glenwood, Iowa, in 1853. He worked on a farm and attended the public schools until 1864 when he enlisted in Company B, Twenty-ninth Iowa Volunteer Infantry, and participated in several important engagements. He was mustered out with his regiment at New Orleans, August 10, 1865. He re-



turned to Mills county and assisted his father upon the farm for several years, and afterward opened a general store at Glenwood which he conducted for ten years. Later he engaged in the real estate and abstract business. He was elected county recorder of Mills county and held that office six years. He was also mayor of Glenwood for three terms. In 1879 he enlisted in the Iowa National Guard and in 1898 received from Governor Shaw the appointment as Adjutant General of Iowa. The outbreak of the Spanish-American War called for special effort and he organized four regiments of infantry to serve in that war. He was re-appointed Adjutant General by Governor Cummins and his whole service extended from 1898 to 1905. At the expiration of this period he engaged in the life insurance business at Des Moines. In 1909 he was appointed state oil inspector and filled that position until his death.

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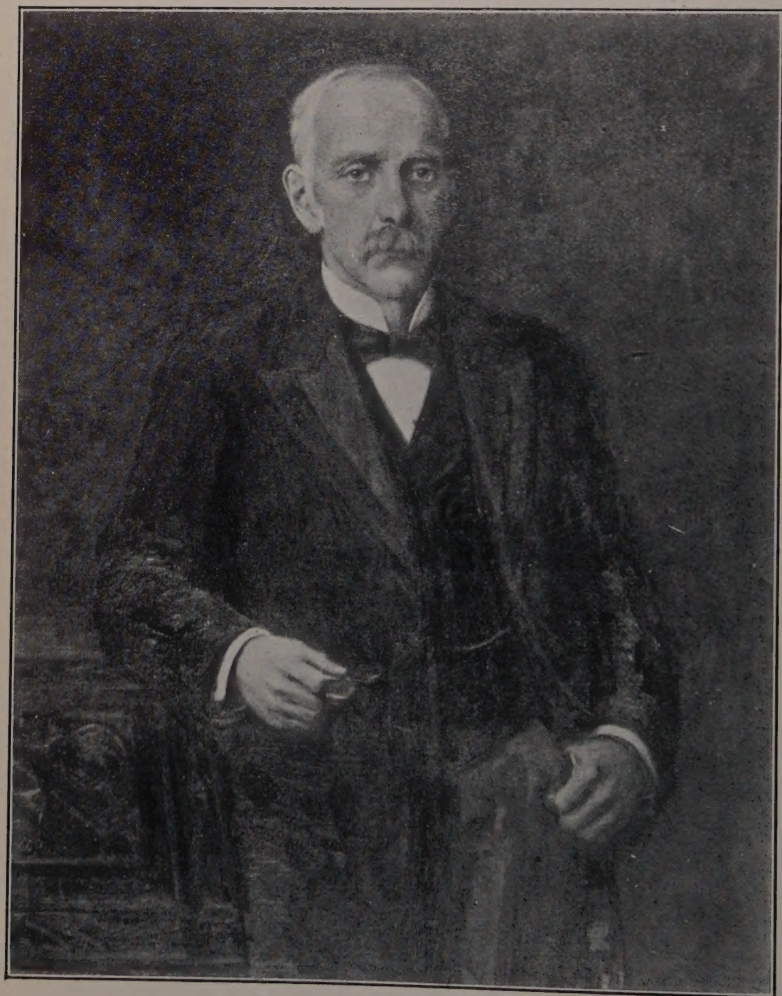
CRAIG L. WRIGHT was born in Keosauqua, Iowa, December 5, 1846; he died in Los Angeles, California, August 6, 1915. He was the son of Judge George G. and Hannah M. (Dibble) Wright. He attended the public schools of Keosauqua and was graduated from the State University of Iowa, at the age of 19. He received his diploma from the Law Department of the University, at Des Moines, the next year, and was admitted to the bar in 1868. He removed to Sioux City the same year and entered into a partnership with William L. Joy which continued until 1887. From 1887 to 1890 he practiced alone. Then with Senator E. H. Hubbard he formed the law firm of Wright & Hubbard which continued until 1896 when a third partner, A. F. Call, was taken into the firm. In 1905 Mr. Hubbard withdrew, and the firm became Wright & Call. Mr. Wright's special field was corporation law and he was recognized as the leading lawyer of Sioux City. He was always greatly interested in politics and took a prominent part in workings of the Republican party.

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RICE H. BELL was born in Marshall county, West Virginia, September 7, 1859; he died at Keokuk, Iowa, July 26, 1915. He worked on a farm and attended the public schools and was graduated from West Alexandria Academy in 1880. He removed to Keokuk the same year, began the study of law with John H. Craig and was admitted to the bar in 1882. He served as justice of the peace and judge of the superior court. He was city clerk of Keokuk for a number of years. He was a Republican in politics and had served as chairman of the Lee county central committee. Memorial services were held by the Keokuk Bar Association of which he was a member.







**LESLIE MORTIER SHAW**  
Governor of Iowa 1898-1902